SUPREME COURT POLITICS

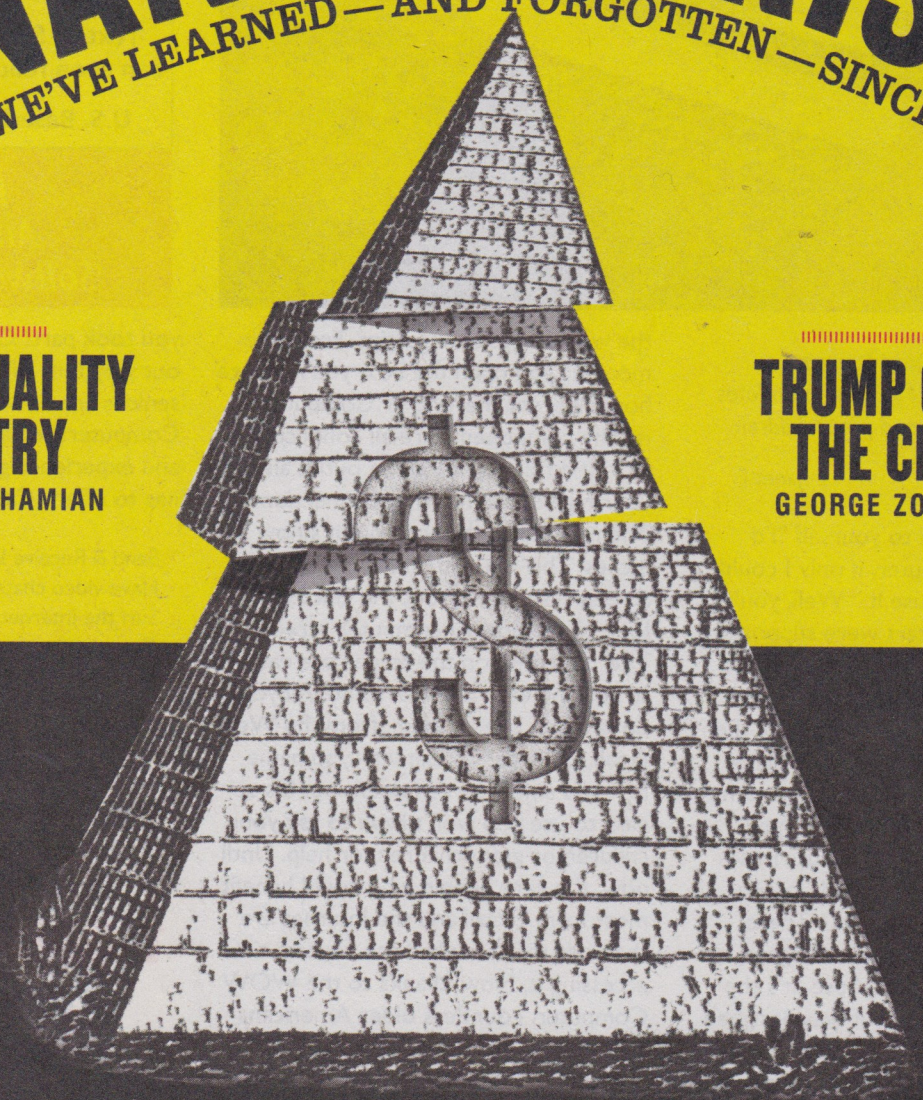
JEDEDIAH PURDY • KATHA POLLITT • RICHARD KIM

THE Nation.

OCTOBER 8/15, 2018

THE FUTURE of the FINANCIAL CRISIS

WHAT WE'VE LEARNED—AND FORGOTTEN—SINCE 2008



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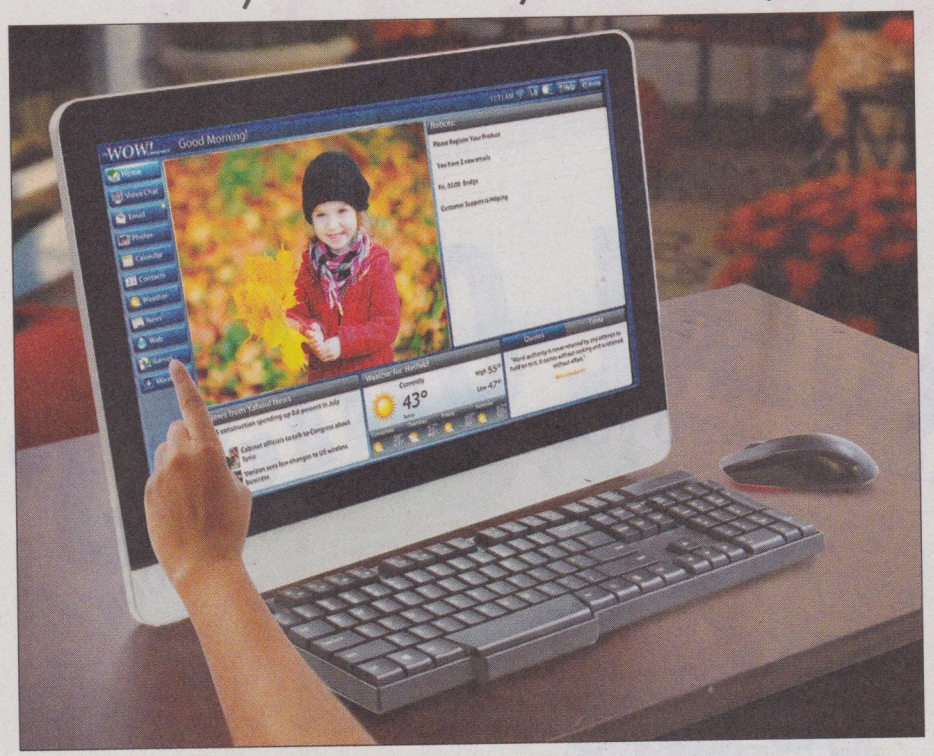

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Court Reform, Anyone?

The United States Supreme Court is, by design, a profoundly antidemocratic institution, and as Republicans get ready to ram Brett Kavanaugh's nomination through the Senate, it's worth pointing out that it doesn't have to be this way. In 21 state supreme courts, justices are elected by the people; in 14 others (and in several other democracies), they are selected by a nonpartisan committee. But at the federal level, the Nine are handpicked by the president—an office that Democrats would have won in six of the last seven elections if those elections had been determined by the popular vote. Instead, the Electoral College, hatched in part to protect the interests of the slave states, handed victories to Donald Trump and, with an assist from the Supreme Court itself, George W. Bush—giving us Justices Neil Gorsuch, John Roberts, and Samuel Alito (though not so much Merrick Garland). These ultimate arbiters of our Constitution were confirmed not by the House but by the Senate, a body that vastly magnifies the power of small states over those in which most Americans live. And unlike in almost every other democracy in the world—including Canada, Britain, Brazil, and Australia, where justices are required to retire in their early 70s—US Supreme Court justices serve for life.

Until recently, the uncodified norms of American democracy militated against the most egregious exploitations of this antidemocratic system. When President Ronald Reagan nominated Judge Robert Bork to the Court in 1987, a popular "phalanx of opposition" arose to protest the candidate's extreme views on civil rights, abortion, and executive power, leading the Senate Judiciary Committee to reject his nomination and the Senate to follow suit by a 58–42 margin, with six Republicans voting nay. In 2005, when President George W. Bush nominated Harriet Miers, his former staff secretary and White House counsel (whose only apparent distinction was her blind loyalty as a partisan hack), howls of derision from both sides of the aisle ultimately forced the White House to withdraw the nomination.

In Kavanaugh, we have a nominee who is every bit as much of a right-wing ideologue as Bork and every bit as much of an apparatchik as Miers (indeed, Kavanaugh succeeded her as Bush's staff secretary and both worked in the White House Counsel's Office). And yet, as of press time, not a single Republican senator had so much as hinted that they would vote against his confirmation—and that includes Alaska's Lisa Murkowski and Maine's Susan Collins, who have both said they support *Roe v. Wade*.

How did we get here? As Sarah Posner points out in an investigation for TheNation.com, since the Bork defeat, a secret network of right-wing activists has spent millions of dollars to place conservative extremists in the judiciary and then shield them from scrutiny, in part by painting criticism of their views on abortion and LGBTQ rights as "anti-religious bigotry." Kavanaugh is a direct beneficiary of the first part of this strategy, having been preapproved for Trump by the Federalist Society. But it's worth noting that Republicans have not had to rely on the second part of the strategy, opting instead for maintaining an unprecedented level of secrecy. With a vote imminent, we still don't have a single document from Kavanaugh's tenure as Bush's staff secretary, which might shed light on his views on executive power, torture, and privacy. And we have only a sliver of his records from his days in the White House Counsel's Office. Those that have emerged suggest that Kavanaugh may have perjured himself in previous hearings and that he is dissembling when he says that he considers *Roe* settled precedent. Oh, and the documents that have been released to the Judiciary Committee were vetted not by an impartial government archivist, but by Bill Burck, a private attorney hired by the George W. Bush Library who is a friend and former colleague

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VOLUME 307, NUMBER 8,
October 8/15, 2018

The digital version of this issue is available to all subscribers September 13 at TheNation.com.

DC BY THE NUMBERS

60%
Percentage of retired senators from the 2008 Senate Banking Committee who went to work for the financial industry

40%
Percentage of congressional senior staff involved in the response to the 2008 crash who have gone on to work for the financial industry

1,447
Number of former federal employees hired to lobby for financial firms from 2009 to June 2010, including 73 members of Congress

88%
Percentage of Goldman Sachs lobbyists in 2016 who at one point worked for the federal government

$1M
Amount made by former congressman Barney Frank, cosponsor of the Dodd-Frank Wall Street Reform and Consumer Protection Act, on the board of directors of Signature Bank since 2015

—Nawal Arjini

of Kavanaugh's and has also represented former White House chief of staff Reince Priebus, former Trump strategist Steve Bannon, and current White House counsel Don McGahn in the Mueller investigation.

With this naked, shameless judicial coup, however, Republicans may have awakened a slumbering beast. Why should any of us accept that an increasingly powerful branch of government is selected in such a manner? As a forum of legal scholars pointed out recently at TheNation.com, there is nothing in the Constitution that requires the Court to have nine members. Why not 11 or 13? Justices could also be given term limits of, say, 18 years or selected by an impartial committee, as they are in other democracies. If the Senate Republicans have wholly abdicated their constitutional duty to appraise Supreme Court nominees in full public view, then the people have every right to take that duty away from them.

RICHARD KIM

Just Do It?

Nike swooshes up to Colin Kaepernick.

In early September, both the sports and marketing worlds were hit with shock waves when news broke that Colin Kaepernick, the quarterback blackballed by the National Football League for kneeling during the national anthem to protest police violence and racial inequity, would be the face of Nike's 30th-anniversary "Just Do It" ad campaign. The first print ad was an unairbrushed black-and-white close-up of Kaepernick's face with the words BELIEVE IN SOMETHING. EVEN IF IT MEANS SACRIFICING EVERYTHING. This was followed by a televised ad, first released online, that Nike aired during the NFL's opening game of the season.

The whole thing sent social media into paroxysms of confusion. Liberal and left-wing commentators found themselves largely praising the decision by the global sneaker behemoth and promising to buy an array of Nike products to show their support. Others on the left stopped short of singing Nike's praises but saw it as a victory for Kaepernick: He stood by his principles and now has a sweet shoe deal to show for it, which, for many, further legitimizes his decision to protest.

COMMENT

On the right, there were calls for demonstrations against the sneaker company. #BoycottNike trended on Twitter. Scenes of people burning their sneakers or cutting the swooshes off their clothes also went viral. Donald Trump, of course, had his say as well, tweeting "What was Nike thinking?" and announcing to his lickspittles on *Fox & Friends*: "I don't think it's appropriate what they did. I honor the flag, I honor our national anthem, and most of the people in this country feel the same way." (This continues Trump's misinformation campaign of painting the protests as being against the anthem instead of against police violence.)

In the ensuing days, people on both sides of this divide were tracking Nike's online sales and stock price, as if they were game standings or sports statistics that would reveal who'd "won" or "lost."

This has been a head-spinning set of circumstances. For decades, Nike has been the target of protests by worker-rights activists for its notoriously poor labor practices, with organizations like United Students Against Sweatshops on the front lines. Earlier this year, the company was accused of fostering a sexist work environment rife with chronic harassment; a *New York Times* exposé this past spring started, "For too many women, life inside Nike had turned toxic." As Jim Keady, a former soccer coach at St. John's who lost his job over his refusal to wear Nike products, said: "I am deeply disappointed that Nike is attempting to co-opt Colin's actions in order to sell more shoes that are still made in sweatshop conditions by mostly young women of color in Vietnam, Indonesia, and China. The short of it is, Nike never does anything simply because it is the right thing to do. They do not care about social justice or human rights. This is about money. Period."

Keady is correct, of course, and Nike has a long track record that demonstrates his claim. When it comes to marketing, Nike has used the image of rebellion to sell its gear for three decades—from Spike Lee's famous black-and-white "It's gotta be the shoes" Air Jordan ads and John McEnroe's "Rebel With a Cause" campaign, to Nike's current ads featuring LeBron James and Serena Williams—while stripping that rebellion of all content. As Gino Fisanotti, Nike's vice president of brand for North America, told ESPN, "We believe Colin is one of the most inspirational athletes of this generation, who has leveraged the power of sport to help move the world forward." The idea that Nike executives would position themselves as messengers of Kaepernick's righteous, years-long struggle is, to put it mildly, galling.

Asking Nike to support social justice is like asking a dog to meow.

In Nike's antiseptic, hollow corporate-speak, Kaepernick is simply "moving the world forward." There is no mention here of police violence or racism. Similarly, in the voiceover for the ad, Kaepernick offers a great many inspirational statements, but they are statements that could have been said by any athlete. There is no mention of the causes that have animated Kaepernick's struggle. And it would be stupid to expect it. This is Nike—asking them to be a voice for social justice is like asking a dog to meow.

Even so, this is more complicated than just calling out Nike for commodifying dissent or, in the words of Jim Keady, "woke washing." For the past two years, Kaepernick has been showered with hatred and death threats, vilified on social media and from the presidential bully pulpit. In the last year, he has given away over $1 million of his own money. He has been unable to earn a living during the prime years of his career. It is a great thing that he is actually going to earn an income and receive funding for his activist work, and it is satisfying that, after two years in the political wilderness, he is seeing an outpouring of support from those defending an

(continued on page 8)

Q&A DEVIN FERGUS

Subprime mortgages designed to fail. Student-loan payment plans that cover interest but not principal. Car insurance that costs less for white drivers than people of color. And payday lenders for when you have nowhere left to turn.

The predatory practices of these four industries shape the everyday lives of many people in this country. In *Land of the Fee: Hidden Costs and the Decline of the American Middle Class*, University of Missouri history professor Devin Fergus reveals an increasingly stark pattern of economic exploitation through charges, fines, and interest. He argues that over the past half-century, consumer protections have been chipped away, innovated around, or just poorly conceived in the first place, resulting in a system in which the few are extracting obscene wealth from the daily necessities of the many.

That same dynamic has been replicated in the public sector, where fees—such as parking tickets that quickly escalate with late fees and impound fines—now comprise the vast bulk of government-revenue growth. It's the financial equivalent of death by a thousand cuts—and under the Trump administration, there's no reprieve in sight. —Susie Cagle

SC: What do you think of the arguments from some advocates for the poor that payday lending is a necessary evil?

DF: A very small percentage of Americans actually take out a payday loan, so it seems sort of marginal. But it really is a signifier of the structural problems of the American economy. The rise of payday lending was the most ubiquitous free-market response to the multigenerational crisis of wage stagnation. So it's a necessary evil *because of* the multigenerational crisis of wage stagnation. The payday loan is exactly what it says it is: You need a paycheck to get a payday loan.

SC: How do you define "fee"?

DF: My idea of fees is really an expansive one—it's anything that goes beyond the principal of a financial product. We have loan-origination fees, activation fees that you might get with a cell-phone or Internet account. And what you often find, particularly with payday lending, is that the industry uses this sort of shell game—calling them fees and not interest—in order to circumvent state usury laws.

SC: And that's a trend not just in the private sector but in the public sector as well. How do those two differ?

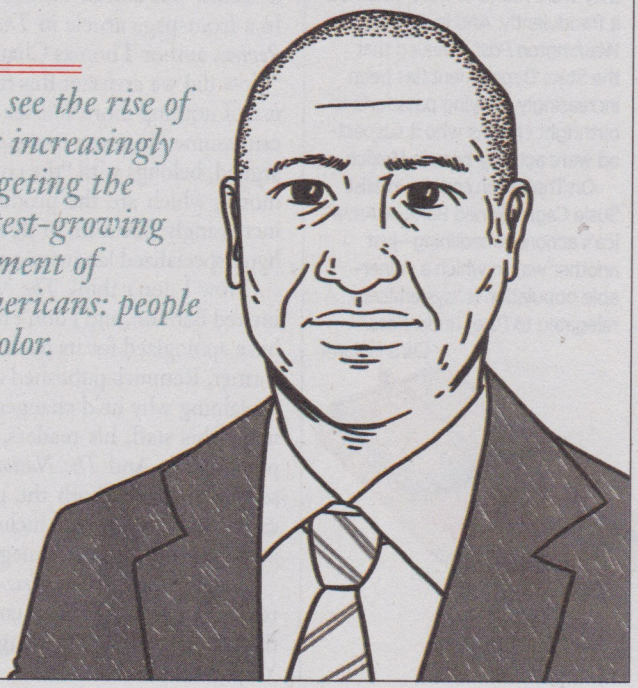
DF: No politician wants to say, "I'm going to raise your taxes," so you circumvent that by raising fees. This means we can't have a broader conversation about the value of taxation. Also, typically, these fees fall upon the most vulnerable people in our society. Over the last generation or two, we've seen that 80 to 90 percent of all new government-revenue growth has been the product not of taxation but of things like fees and fines. It's even more regressive than a flat tax.

SC: You draw a direct line from the financial reforms of the 1960s and '70s, which were based on the idea of extending credit because credit is good, to predatory lending and an increase in fees on marginalized communities.

DF: This is the 50th anniversary of the Poor People's Campaign launched by Martin Luther King and others, and one of the pillars of that campaign was to democratize credit. And we've seen in these last years an expansion and a democratization of credit, but without the expansion of the regulatory state. We live in a world in which we're commuting longer distances, working longer hours—we have less time than ever before, while our financial lives are far more complex. You need a regulatory state to step in to police the potential for abuse.

We see the rise of fees increasingly targeting the fastest-growing segment of Americans: people of color. Just because they're the most vulnerable doesn't mean they're necessarily the poorest. The middle class is becoming browner. Those are the people predatory lenders are interested in, because they have things like equity in their houses. They want people with resources. So that's a great concern and great fear. The collision course we're headed on gives me great pause. ■

We see the rise of fees increasingly targeting the fastest-growing segment of Americans: people of color.



SUSIE CAGLE

IMMIGRATION

Banking on Fear

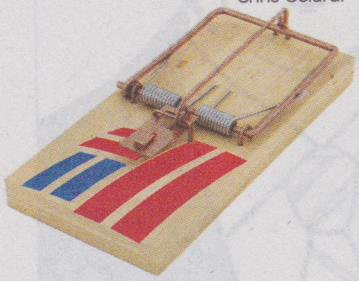
In August, Saeed Moshfegh, an Iranian PhD student at the University of Miami, suddenly found that he couldn't access his Bank of America account. For the past seven years, he'd submitted proof to the bank every six months that he was a legal US resident. Then, without notification, that paperwork was deemed unacceptable, according to the *Miami Herald*. Moshfegh missed his credit-card and rent payments.

Recent press reports have highlighted the number of people—including US citizens—who have been shut out of their Bank of America accounts because they were deemed to have responded inadequately to inquiries about their citizenship or residency status. Proof of citizenship isn't required to open a bank account, and a spokesperson for the federal government told the *Miami Herald* that banks hadn't been instructed to collect additional information on their customers.

Yet the account freezes come amid a series of crackdowns on immigration. In June, US Citizenship and Immigration Services created a task force to strip Americans of their citizenship if they were found to have obtained it fraudulently. And in August, *The Washington Post* revealed that the State Department has been increasingly denying passports to birthright citizens who it suspected were actually born in Mexico.

On TheNation.com, journalist Susie Cagle likened Bank of America's actions to redlining—just another way in which a vulnerable population is "systemically relegated to [the] underclass."

—Chris Gelardi



Eric Alterman

Crossing Into Crazytown

Who are the real censors of free speech?

As President Trump and his Republican quislings continue to undermine our democracy, the punditocracy obsesses over another apparent threat to the nation: liberal intolerance. When *New Yorker* editor David Remnick disinvited former Trump strategist Steve Bannon from his magazine's annual festival, *The Wall Street Journal* ran an article bemoaning the "growing list of news organizations that have reversed their decision to engage with conservatives after a public outcry." On *The New York Times*' op-ed page, ex–*Journal* opinion editor Bret Stephens crossed into Crazytown when he concluded that "what this really means is that Remnick is no longer the editor of *The New Yorker*. Twitter is." He added that the magazine was "on the road to [becoming a] left-wing version of *Fox & Friends*."

This controversy followed another media firestorm sparked by an apology published in *The Nation* for a poem that offended some readers. The poet, Anders Carlson-Wee, also expressed regret, explaining on Twitter that the negative reaction was "eye-opening." But the first response was another rebuke: His apology, it seems, was ableist toward the visually impaired. In a front-page article in *The New York Times Book Review*, author Thomas Chatterton Williams asked: "How did we arrive at this fraught place where the use of nothing more sinister than a body metaphor can assume the power to *cause harm*?" The blame, he argued, belongs with "the country's rapidly shifting mores, which are the product of new generations increasingly fluent in, in thrall to and in fear of the hyperspecialized language and norms of academia."

Now I don't think *The New Yorker* should have invited Bannon, and I don't think *The Nation* should have apologized for its poem. But in the case of the former, Remnick published an 829-word statement explaining why he'd changed his mind after listening to his staff, his readers, and other conference participants. And *The Nation* ran a lengthy letters section in which both the poem and the apology came in for criticism, including from columnists and contributors to this magazine.

The Nation and *The New Yorker* may be the current marks, but the true target of these attacks is the liberal academy. Writing in *The Spectator*, Toby Young opined that "the real problem on college campuses is not the whiny, neurotic students, but the post-modern neo-Marxist professors who are manipulating them." Fox News's Tucker Carlson and the Manhattan Institute's Heather Mac Donald agree that the ideology of the modern American university is "clearly literally destroying the country" (Carlson), driven as it is by the proposition that "whiteness is a source of all evil in the world [and] lethal to people of color," and also by "a contempt for objectivity and truth seeking" and "a belief that all females exist in a state of oppression by rape culture" (Mac Donald). *New York*'s Andrew Sullivan worries that students who are brainwashed by "the imperatives of an identity-based 'social justice' movement'" will likely tip the "broader culture…away from liberal democracy as well." In a previous column, I noted the obsession of writers and editors on the *Times*' op-ed page with what columnist David Brooks once termed the "snowflake fragility and lynch mob irrationalism" of college students mixing "into one perfectly poisonous cocktail."

One person who is strangely sanguine about these phenomena, however, is Francis Fukuyama, the famed author of *The End of History and the Last Man* as well as a new book critical of identity politics. Fukuyama notes that "because specific incidents are picked up by conservative media and blown up to be representative of higher education," his friends tell him that it is "obvious there is no freedom of speech left in universities." He finds this "excessive." After obnoxious students at Middlebury College shut down a speech by Charles Murray, Fukuyama hosted the discredited purveyor of racist pseudoscience at Stanford University. "We had a protest," Fukuyama explained, "but he got to say what he wanted to say. People listened. Charles Murray told me he's been speaking all over the country, and that the Middlebury incident, while a bad one, wasn't representative of the way he's

Today's college students are actually less sympathetic to speech restrictions on campus than the general public is.

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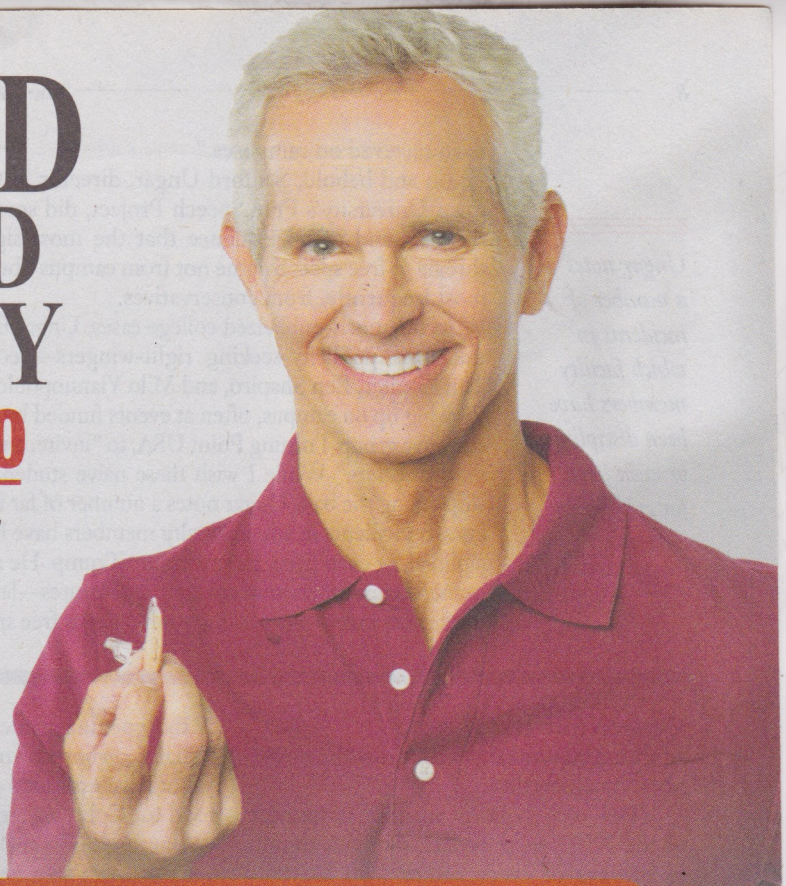

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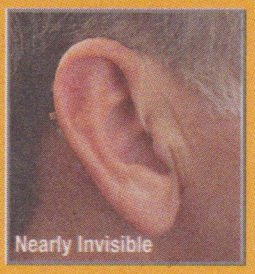

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Ungar notes a number of incidents in which faculty members have been disciplined, or even fired, for criticizing Trump.

been received on campuses."

Lo and behold, Sanford Ungar, director of Georgetown University's Free Speech Project, did some actual research and offers evidence that the most significant threats to free speech come not from campus liberals but, most frequently, from conservatives.

In the much-publicized college cases, Ungar finds that the same publicity-seeking right-wingers—people like Ann Coulter, Ben Shapiro, and Milo Yiannopoulos—keep showing up on campus, often at events funded by the conservative group Turning Point USA, to "invite, and delight in, disruption." While I wish these naive students would stop taking the bait, Ungar notes a number of far less well-known incidents in which faculty members have been disciplined, or even fired, for criticizing Trump. He also cites numerous examples in which state legislatures—largely led by conservatives—are seeking to shut down free speech. In Arizona, for instance, the Legislature passed a bill inviting public colleges to "restrict a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum." Meanwhile, a 2016 Knight Foundation survey demonstrated that today's college students are actually less sympathetic to speech restrictions on campus than the general public—many of whose members, egged on by their president, would like to restrict the rights of Muslims to be heard.

More to the point, there are 4,583 colleges and universities in the United States, but most pundits care only about the few dozen they went to or want their children (or grandchildren) to attend. Why are we not reading more about the Trump administration's disastrous policies on college loans and the tremendous unpayable debt it is seeking to saddle students with? Isn't that a little more dangerous to their future—and ours—than a neo-Marxist syllabus or two? ■

(continued from page 4)

ad with a message that reinforces the power of political sacrifice.

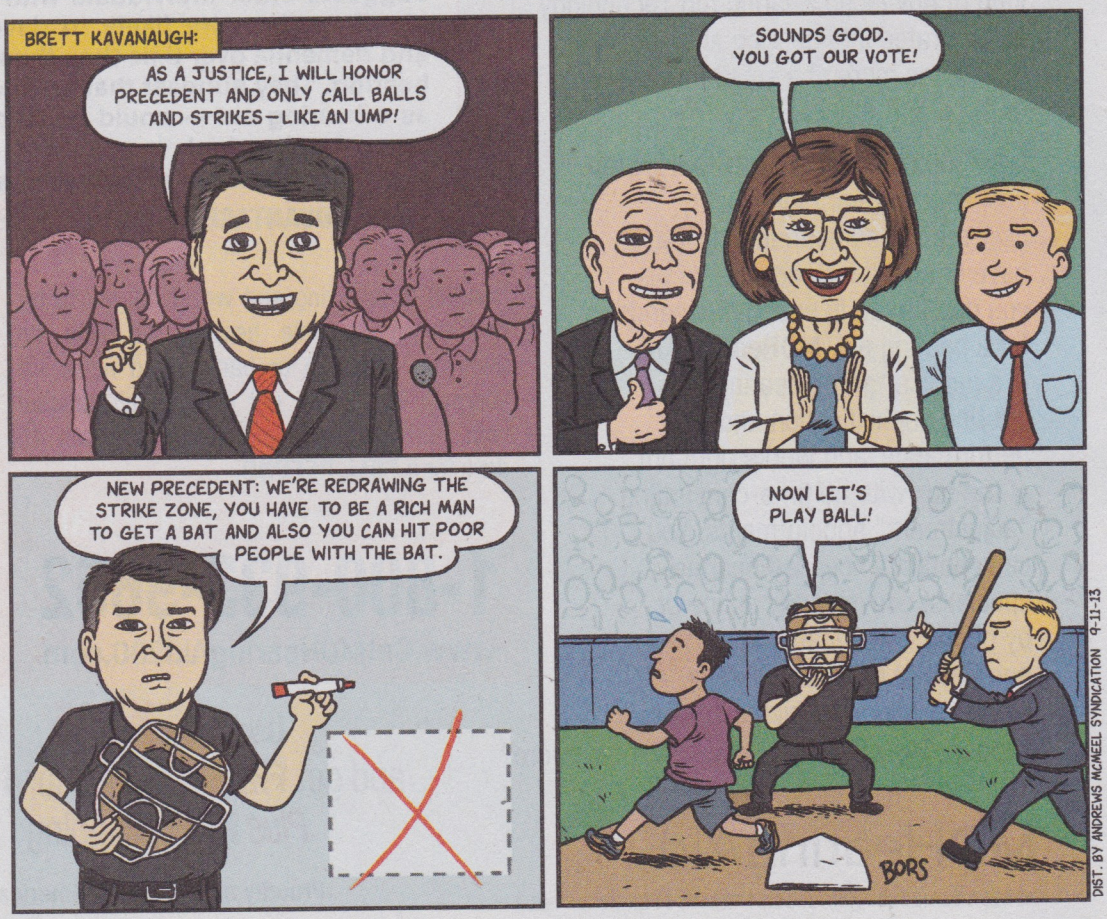
Then too, Nike is an official sponsor of the NFL, so this campaign is a thumb in the eye of every owner who has colluded against Kaepernick. Imagine what happened behind closed doors the first time the ad played during a commercial break in the opening game of the NFL season. Dallas Cowboys owner Jerry Jones's head might have exploded clean off his body. So, good for Colin Kaepernick.

But multibillion-dollar global corporations that run an archipelago of sweatshops don't underwrite rebellions; they co-opt and quash them. For Kaepernick, navigating this snake pit won't be easy. The revolution will not be branded—we need to be honest about that. The message of standing up to police violence and racial inequity shouldn't end up in a swoosh-laden graveyard. That's the risk that comes with this sponsorship. But if anyone has earned the right to take that risk, it's Colin Kaepernick. DAVE ZIRIN

Dave Zirin is The Nation*'s sports columnist.*

COMIX NATION

MATT BORS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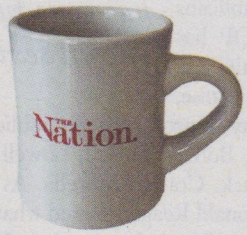

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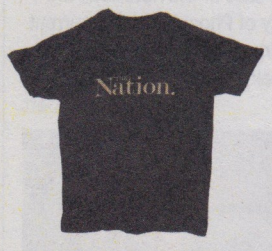

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EDUCATION

Predatory Colleges

The federal government is setting free the financial predators of higher education. In August, Education Secretary Betsy DeVos moved to reverse Obama-era accountability regulations on for-profit colleges, which market themselves primarily to working parents and veterans and have repeatedly been found to burden students with massive debt while providing little to no improvement in their employment prospects. Under President Obama, the Department of Education instated the so-called gainful-employment rule, which mandates that the federal government monitor the debt of for-profit college graduates relative to their postgraduation income. If an institution's average student-debt-to-income ratio gets too high, then it risks losing access to federal financial-aid support. DeVos plans to end this oversight by July 2019. She has also announced that she will try to restrict the ability of individual states to monitor federal lending practices, prompting Seth Frotman, the student-loan ombudsman at the Consumer Financial Protection Bureau, to resign in protest.

In his resignation letter, Frotman wrote that "the Bureau has abandoned the very consumers it is tasked by Congress with protecting." Fortunately, much of the public seems to have wised up to the tricks of the for-profit college trade. As *Inside Higher Ed* reported, for-profits have seen steep declines in enrollment, as in the case of the notorious University of Phoenix, whose current enrollment is about a quarter of its peak of 470,000 back in 2010.

—Maia Hibbett

Katha Pollitt

Susan Collins's Choice

We know that Brett Kavanaugh would restrict abortion. Why doesn't she know it too?

My husband's curious affection for Senator Susan Collins used to be a joke around our house. "My Susie," he sometimes called her. But as we watch the Brett Kavanaugh nomination unfold, he's finally coming round. Collins sure seems reasonable and pleasant on TV. She's not a religious fanatic or a libertarian weirdo. She says she's pro-choice. I like her scratchy voice and that scrunched-up way she smiles. But face it, she is not going to save us from a Justice Kavanaugh. ("Are you sure?" my husband interjects at this point. "You shouldn't write your column as if you *know*." OK, fine. Prove me wrong, Senator Collins!)

It's not as though people haven't tried to persuade the Maine Republican to vote against him. "There has been a huge campaign organized by the Maine Women's Lobby," writes a longtime friend in the state. "But my guess is that she just dismisses it as people who are Democrats, to whom she seems to pay no attention. Our previous Republican senators, Olympia Snowe and Bill Cohen, while conservative, at least responded to constituent mail." *The Hill* reports that activists have sent Collins's office 3,000 coat hangers to jog her memory about the terrible days of illegal abortion. Ady Barkan, an activist who is dying of ALS, has started a campaign to raise money for whomever Collins's opponent is in 2020; as I write, it's reached over $1 million in pledges, to be activated if she votes to confirm.

Collins claims she's received personal assurances from Kavanaugh that he regards *Roe v. Wade* as "settled law." But just a few days ago, a 2003 e-mail came to light in which Kavanaugh points out, correctly, that "settled law" might not be as settled as all that, "since [the] Court can always overrule its precedent, and three current Justices on the Court would do so." None of this seems to have changed Collins's mind.

I don't understand why we're even having this conversation about whether Kavanaugh would vote to overturn *Roe*. Here's what we know: He has called birth control "abortion-inducing drugs." That's pure "pro-life" language based on the falsehood that the IUD and hormonal contraception, including the pill, prevent implantation (which the anti-choice movement equates with abortion). Based on that belief, Kavanaugh could easily apply to contraception whatever restrictions he applies to abortion. Then too, he dissented from a ruling permitting "Jane Doe," a 17-year-old undocumented immigrant held in detention in Texas, to have an abortion. Doe had already fulfilled every legal requirement the state imposes on minors who lack parental consent. She had gotten a judicial bypass to prove she was mature enough to make the decision; she had a court-appointed guardian. Still, despite the fact that she was in the middle of her second trimester, Kavanaugh wanted her to wait in order to find a "sponsor" who would stand in lieu of her absent parents—even though the whole point of the judicial bypass is to exempt a teen from parental consent. So much for "settled law."

Kavanaugh will uphold making legal abortion as hard to get as possible and will ignore whatever laws and precedents—and science—get in the way. We know that because he has already done that. So when Collins declares herself satisfied with his "settled law" statement, what she's really saying is that it's fine with her if the Supreme Court decides you can have an abortion, but first you have to swim the English Channel and kill a tiger with your bare hands.

Collins and Lisa Murkowski only look like moderate Republicans because the GOP has gone full batshit sexist.

Collins—and Lisa Murkowski, the other Republican senator who could sink the Kavanaugh nomination—only look like moderate Republicans because the GOP has gone full batshit sexist. Once upon a time, there were plenty of pro-choice Republicans: Nelson Rockefeller, Bob Packwood, Lowell Weicker, Millicent Fenwick, Connie Morella. As governor of California, Ronald Reagan signed what was then the nation's most liberal abortion law. Five of the justices who supported *Roe* were nominated by Republican presidents. Those days are long gone. The party is all tribal now, and the chief of the tribe is Donald Trump.

That is true even for Republicans who bemoan

LEFT: AP; TOP: ANDY FRIEDMAN

the many disastrous aspects of Trump's presidency. Senator Ben Sasse called the 2016 election a "dumpster fire" and claimed he thinks about quitting the GOP "every day." What's stopping him? Senators Jeff Flake and Bob Corker regularly deliver high-minded rebukes of Trump and then vote for everything he wants. They're both retiring, so it's not as though they would suffer if they demurred. In the end, I bet all three will vote for Kavanaugh, thus placing on the Court a justice who has signaled that presidents should be immune from criminal charges while in office and who has refused to say whether it would be illegal for a president to direct the Justice Department to go after his enemies.

Which brings us to the anonymous White House official who declared in a recent *New York Times* op-ed that "I Am Part of the Resistance Inside the Trump Administration." Rest easy, America. While the president is "not moored to any discernible first principles that guide his decision making," and while he is "anti-democratic," "impetuous, adversarial, petty and ineffective," powerful staffers are doing their best to undermine his worst impulses. "There are adults in the room."

It's nice that someone is trying to prevent Trump from starting World War III, but notice that Anonymous likes much of what Trump has done—humongous tax cuts for the rich, a super-bloated military budget, the gutting of regulations. Nor does Anonymous mention what would seem to be Exhibit A of Trump's impulsive amorality: the shameful separation of families at the border, with over 400 children still in detention. Unlike Bob Woodward, whose new book *Fear* portrays a totally shambolic White House and who has urged people to "wake up," Anonymous's op-ed is less a call to action than an invitation to relax. Behind the scenes, the "steady state" is in control.

That's the whole problem right there. ■

Ben Sasse called the 2016 election a "dumpster fire" and says he thinks about quitting the GOP "every day." What's stopping him?

SNAPSHOT / ABHISHEK N. CHINNAPPA

Pride and Joy

An LGBTQ activist celebrates in Bengaluru on September 6, after India's Supreme Court unanimously struck down the country's ban on gay sex. The law, Section 377 of the Indian Penal Code, dates back to the 1860s, when India was still under British rule. The justices called the prohibition "irrational, indefensible, and manifestly arbitrary."

Calvin Trillin
Deadline Poet

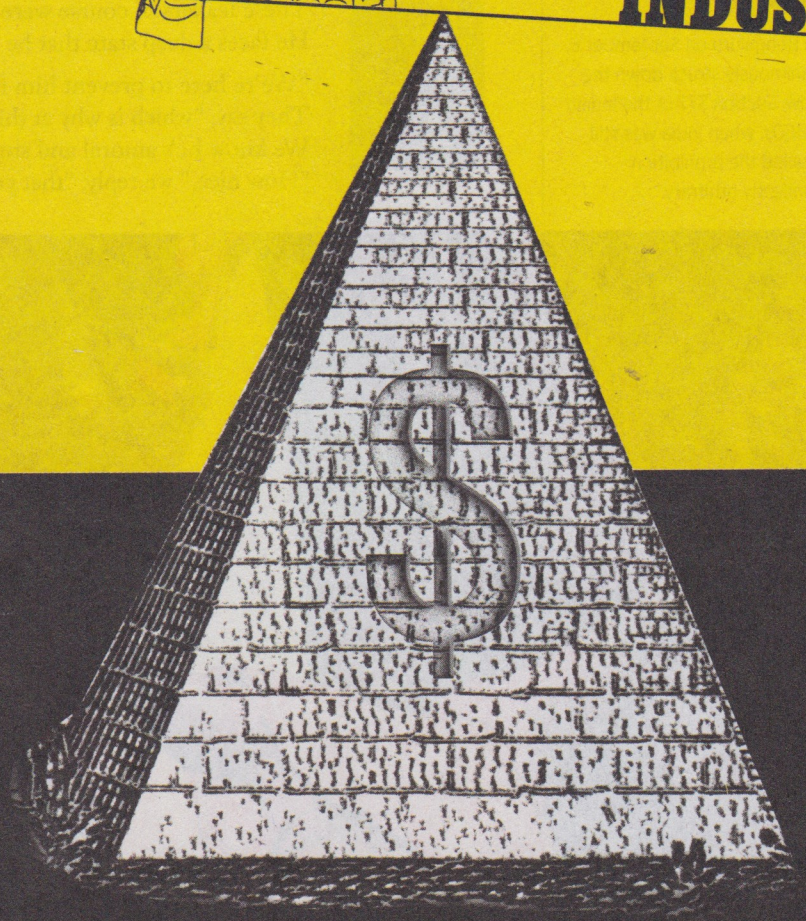
WHITE HOUSE REVELATIONS

It's all just a plot by the "deep state," he says,
To bring down a man who they always have hated.
These leakers of course were appointed by him.
He faces a deep state that he has created.

"We're here to prevent him from doing more harm,"
They say, "which is why at this point you can't quote us.
We know he's amoral and stupid and worse."
"How nice," we reply, "that you've managed to notice."

REUTERS

THE INEQUALITY INDUSTRY



Since 2008, wonks, politicians, poets, even bankers have all started talking about inequality. But are they interested in making us more equal?

Atossa Araxia Abrahamian

The Nation.

IN THE FALL OF 2011, JANET GORNICK, A PROFESSOR OF POLITICAL SCIENCE AT THE CITY UNIVERSITY OF NEW YORK, WENT DOWN TO Manhattan's Zuccotti Park to join Occupy Wall Street. For the past two decades, Gornick had been working at the Luxembourg Income Study, an organization with a branch in New York City that amasses data sets on income and wealth disparities around the world. Gornick knew from her work that economic inequality had long been a subject of scholarly inquiry. "There were hundreds of working papers assessing its causes, looking at how welfare states mitigate market-driven inequality, and so on," she recalls. But for most of her tenure at the LIS, the study of inequality was still a niche field, and an academic one at that. Save for a handful of economists and sociologists, the growing gap between rich and poor wasn't keeping a lot of scholars up at night. As long as the economy was growing, most analysts in wealthy countries figured everyone would eventually end up better off.

This isn't to say that no one was paying attention. The late economist Tony Atkinson—the British "godfather" of inequality studies, according to Gornick—had written extensively on how and why societies grow unequal. But for decades, Atkinson was an outlier, someone shouting in the dark. Inequality was also passionately debated in philosophy departments after the publication of John Rawls's *A Theory of Justice* in 1971, but that conversation tended to center on highly theoretical notions of how much inequality a society could reasonably tolerate—not popular demands to rein in the earnings of the 1 percent.

After the crash of 2008, the language of inequality began to trickle into the popular discourse. Then the Occupy movement launched it into the mainstream; the fall of 2011 was the first time in generations that concerns about distributive justice drove crowds into the streets and made front-page news. Scholars, pundits, and politicians all took note, and before long, Gornick and her colleagues found themselves at the center of what President Barack Obama called "the defining challenge of our time." Reporting from a gathering at the Brookings Institution in late 2012, the journalist Chrystia Freeland (now Canada's minister of foreign affairs) observed: "Three decades later, trickle-down economics"—the theory that slashing taxes on businesses and the rich would spur investment and eventually benefit society as a whole—"has met its antithesis. We are set for one of the great battles of ideas of our time."

Even the International Monetary Fund, which for decades has imposed privatization and austerity programs on nations as the price of its financial aid, began to sound repentant. In 2013, IMF head Christine Lagarde conceded at Davos, of all places, that "the economics profession and the policy community have downplayed inequality for too long," and that "a more equal distribution of income allows for more economic stability, more sustained economic growth, and healthier societies."

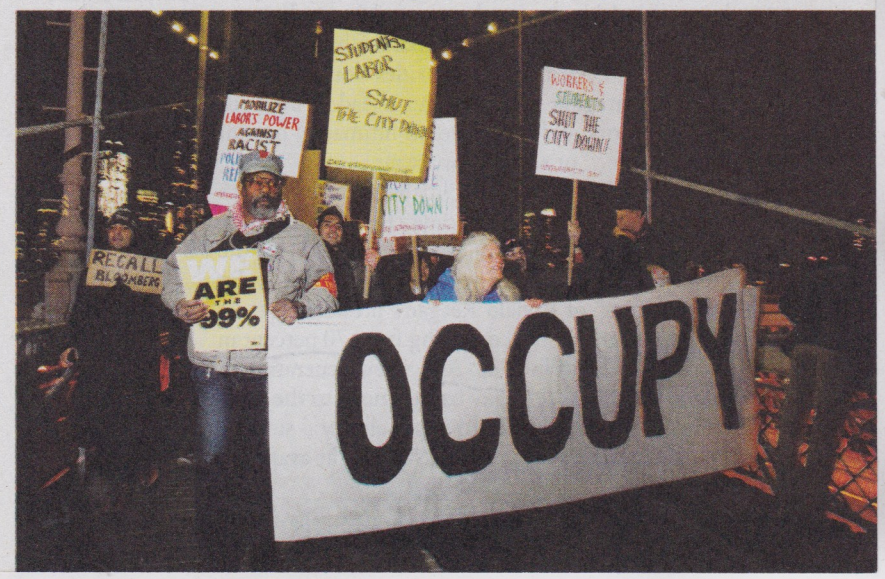
These events set the stage for an unlikely best seller: The English translation of Thomas Piketty's *Capital in the Twenty-First Century*, published in 2014, sold over 700,000 copies. Since then, enthusiasm for the subject has not waned. Professors speak of inequality institutes "springing up like mushrooms" and students looking to "get into the inequality area." In 2015, the London School of Economics started to offer a master's degree in inequality studies. (The price tag for a nonresident to attend the yearlong course: $27,000.) That same year, the Ford Foundation, one of America's most prominent philanthropic institutions, changed its mission statement. Ford's new focus: offering grants for work seeking to reduce inequality "in all its forms"—an ambitious, if vague, endeavor that funds projects exploring housing fairness, racial disparities, and the future of work. "This is how people are experiencing life in America today," says foundation president Darren Walker. Even poets were taking note: Frederick Seidel titled his latest poetry collection *Widening Income Inequality*.

"It's where the interest is," Gornick observes. "It's where the attention is; it's where people think the grant money is. People who studied immigration or education now study inequality. People in the humanities are studying inequality in all kinds of qualitative and literary ways." (A recent Australian study found that women in economically unequal areas tend to take more "sexy selfies.")

"Inequality is where the attention is; it's where people think the grant money is."
—Janet Gornick

The new conversation around inequality marks an important break in how we think about economic growth. But it is also a complex, evolving, and multifaceted discussion. In the shuffle of income-distribution curves, fiscal policy, and Gini scores (a popular measure of economic disparities), the idea of egalitarianism as a moral imperative tends to get buried by more instrumental aims—particularly when the institutions and individuals who are hosting and paying for these discussions on gaping inequality owe their very existence to it.

Though the policies this research feeds aren't necessarily egalitarian, some of the solutions that have been proposed—higher taxes on the rich, better social-welfare programs—are generally progressive. Still, given the surge of populist rhetoric in contemporary politics, it's worth wondering how inequality will end up figuring into politics five, 10, or 20 years down the line—and who will profit by it. We are seeing the emergence of a way of thinking about inequality that many rich people can get behind, one that appeals to those who have no interest in advancing equality on moral grounds. But this raises an important question: Are the new inequality activists interested in achieving equality, or just fighting inequality?



Distributive justice: In 2011, Occupy Wall Street brought the language of inequality into popular discourse.

RIGHT: REUTERS / JESSICA RINALDI

IN THE UNITED STATES, ECONOMIC INEQUALITY HASN'T ALWAYS BEEN seen as a problem. It's not that the yawning disparities in fortune leading up to the Great Depression didn't stir up feelings of discontent. Nor were socialists the only ones alarmed by its evils: Even Franklin Roosevelt deplored the moral bankruptcy of the fat cats and bankers. But during the recovery that followed and in the decades thereafter, the central measure of economic health wasn't equality but rather growth and, to some extent, employment levels. It didn't matter so much who got rich or by how much, as long as everyone wound up less poor.

This philosophy came to be embraced for decades by politicians, intellectuals, economists, and many ordinary Americans, who clung to a deep faith in capitalism and in their own potential to get ahead. John Steinbeck's famous (misquoted) observation that Americans are all temporarily embarrassed millionaires was, in this respect, apt: If everyone believes they're next in line to receive untold riches, it's perfectly reasonable to let the wealthy be. This also meant the welfare state that emerged in the United States wasn't as interested in reducing inequality as it was in solving the problems of poverty and instability. While European social democrats were setting up welfare states in a more egalitarian spirit in the first half of the 20th century, American liberals focused on basic subsistence, not redistribution. As Samuel Moyn, the author of *Not Enough: Human Rights in an Unequal World*, recently noted, Roosevelt's Four Freedoms included the freedom from want, not a positive vision of equality.

In the postwar years, the freedom from want nonetheless helped build a more equal society—what economists and historians have come to call the "Great Compression." Thanks to deficit spending during and after the Second World War, as well as gains in worker productivity, strong labor unions, and progressive tax rates, inequality in the decades between the 1940s and the '70s saw a notable decline. Yet the postwar Red Scare made it difficult for those with redistributionist ambitions, and when a New Left emerged in the 1960s, its protest movements were focused primarily on civil rights, poverty, and the Vietnam War.

In the economics profession, the study of inequality was similarly limited. In the 1950s, economist Simon Kuznets advanced a theory that would be widely cited in the coming decades: that as an economy develops, it will see an increase in inequality, followed by a decrease thanks to political pressure for increased social spending as well as lower returns to capital. Kuznets's analysis was descriptive, but it nevertheless dovetailed with prescriptive political ideologies that argued inequality was natural and self-regulating—much like the market itself. Seen in this light, economic disparities could even be desirable: Encouraging people to get ahead by rewarding their hard work and talent would ultimately benefit society as a whole… or so the story went.

Beginning in the 1970s, inequality began to surge with the economic shocks of that decade. But the language and politics around inequality did not; indeed, by the 1980s, free-market principles were in full force. Under the "Reaganomics" of Ronald Reagan's presidency, taxes on the wealthy were slashed, dropping from 70 percent in 1982 to just 28 percent in 1988. And a new generation of Democratic politicians felt they had to move to the right on economic and social issues to attain electoral success. Bill Clinton and the "New Democrats" were the avatars of this movement in the United States, and they were joined by British Prime Minister Tony Blair and German Chancellor Gerhard Schröder on the other side of the Atlantic.

Widening appeal: Fighting inequality is now a topic that economist Thomas Piketty (above) and IMF head Christine Lagarde (top) can agree on.

Clinton's welfare "reforms," along with widespread financial deregulation and the declining power of organized labor, would end up pushing wealth further to the top, to the detriment of poor people, who no longer had much of a social safety net or the power to demand one. Still, officials like then–Federal Reserve chairman Alan Greenspan insisted that this accumulation of riches wasn't a zero-sum game: "[W]hile I do not deny that there are very major holdings of wealth by individuals, it's by no means clear to me that these have in any way been extracted [from] other people in society."

By the dawn of the new millennium, the contours of an unequal nation—and an even more unequal world—were coming into focus. Between 1993 and 2010, the top 1 percent in the United States saw their incomes grow by 58 percent, compared with 6.4 percent for everyone else; in 2010, 388 people owned fully half of the world's wealth.

AMERICANS MAY NOW RECOGNIZE THESE VAST gulfs in wealth. They show up in TV shows like *Billions* and *Succession*, blockbusters like *Crazy Rich Asians*, and even in recent slang, such as the concept of "fuck-you money." But what's wrong with inequality, anyway?

Answers to this question are rarely satisfying, but they do serve as a political litmus test about the kind of inequality that matters. A Marxist might concern herself with how economic inequality divides society into classes, allowing capitalists to wield wealth as a weapon, disempower workers, and extract their labor. The humanitarian position tends to prioritize sufficiency of resources and basic rights; feminists, environmentalists, and advocates for the undocumented, the disabled, and minorities would say social inequalities matter, too, and that part of the problem with economic inequality is that it reinforces them. New research has shown us that economic, social, racial, and gender inequality are inextricably linked—and that the effect of high inequality is to create even more inequality.

Thomas Piketty, Joseph Stiglitz, and the many other economists they have worked with or inspired have shown that high levels of inequality hurt democracy because, among other things, they allow rich people and corporations to buy the support of politicians. Berkeley economist Gabriel Zucman has helped us more fully understand the consequences of tax havens, which allow money to accumulate offshore instead of being redistributed (or even accounted for), thereby enriching only those who possess it. Branko Milanovic's tireless work at the World Bank, and now from his post at the City University of New York, has shown that while nations themselves are growing more unequal, the economic inequality between countries has actually fallen, especially as China and India have reduced poverty over the past 30 years. He has also made crucial contributions showing how migration can reduce global inequality. It's a

TOP: REUTERS / ERIC VIDAL; BOTTOM: FRONTEIRAS DO PENSAMENTO / LUIZ MUNHOZ

sign of the times that Milanovic's update to the Kuznets curve—which maps how inequality in rich countries rises, falls, and then rises again—went viral on Twitter for its elegant depiction of inequality in the 21st century.

The overall effect of this research has been to significantly change the narrative. It has shown that intense concentrations of wealth are a product of policy, not human (or economic) nature. Crucially, it has depicted extreme disparities as harmful because they lead to abuses of power and structural barriers to prosperity, as well as the social tensions and reactionary political movements that follow. It is simply not true that the rich can stay as rich as they are without consequences for those at the very bottom, or that their gains will eventually "trickle down" to everyone else. The imbalance, in other words, distorts society as a whole, creating a host of social ills that could ultimately threaten capitalism itself.

Equality factory: Extreme inequality is not a natural part of capitalism, says the Ford Foundation's Darren Walker.

FOR DARREN WALKER, WHO HAS LED THE FORD Foundation's pivot to inequality, this fight is personal. "I was born in absolutely the bottom decile of the income strata in the US," he says. "I am now in the top." Walker worries, with good cause, that what allowed him to "climb out of poverty"—namely, public investment in education programs like Head Start and the fiscal policies that support them—are disappearing. But he's also clear that the foundation's newfound interest in inequality isn't a pitch to bring down the institutions of capitalism. On the contrary: "The level of inequality we have today is a result of the way we have constructed economic policies and systems," he says. "I refuse to believe that this is just a natural phenomenon or a part of capitalism."

In fact, Walker traces the foundation's new goals back to its benefactor, the automobile baron Henry Ford, who, Walker notes, wanted the workers on his assembly lines to be able to afford the products they made. This was not because Ford was interested in their empowerment (he was openly hostile to unions), but because he saw their economic well-being as fundamental to his own. Considered in this context, it's no surprise that tech billionaires and centrist politicians are fretting about the wealth gap and considering basic-income experiments. Otherwise, if things continue as they have been, "who's going to be able to afford an iPhone?" Walker asks.

"Who's going to be able to afford an iPhone?"
—Darren Walker

Another charitable organization to take up the inequality fight is Oxfam. The anti-poverty organization has been advocating limits on executive compensation, the elimination of the gender pay gap, ending corporate tax avoidance, and taxing the rich more equitably for almost a decade. Each year, Oxfam issues a press release ahead of the World Economic Forum in Davos, Switzerland, highlighting the astonishing percentage of the world's wealth that is owned by a small number of people, which routinely gets picked up by thousands of media outlets. Oxfam has also lobbied the United Nations to add reducing inequality to its Sustainable Development Goals.

"We're a development organization making sure people in poverty were getting resources and accountability," says Paul O'Brien, Oxfam's vice president for policy. "And what we realized is: The way we were approaching our work—largely using resource transfers and dealing with poverty's symptoms—wasn't working. So we started calling out the structural issues beneath these widening disparities and asking ourselves: Can we address poverty if we don't address structural inequality?"

Given that Oxfam is a charity that raises funds externally, rather than relying on its endowments like the Ford Foundation, you'd think the inequality talk would put it in an awkward position—"taking money from rich people to fight rich people having too much money," as O'Brien puts it. But it turns out there are plenty of rich people who are game; in fact, Oxfam has been invited to participate in the Davos conference itself. "We believe there's a useful role to be played by engaging directly with those whose behaviors and advantages we hope to correct," O'Brien explains. Still, he confesses that this dance makes him a little uncomfortable. "Are we being so polite that we, at some level, are being co-opted? We ask ourselves that all the time."

Editor Ian Malcolm, who acquired Piketty's *Capital in the Twenty-First Century* for Harvard University Press, and has since worked on a number of other books on inequality, calls elite interest in the issue "the Bismarck approach": taking pains to curb inequality "largely in order to prevent revolution and for stability." "That's not a bad reason," he adds, "but the Davos crowd might worry about this, because this is not a problem of justice" for them; rather, they "are pursuing self-interest and thinking, 'We've lost the world where we were preeminent.'"

Anti-Davos crowd: Marchers gather outside the World Economic Forum in Switzerland to protest rising global inequality.

TOP: SIPA USA VIA AP / ALBIN LOHR-JONES; BOTTOM: KEYSTONE VIA AP / CHRISTIAN MERZ

IT FEELS CHURLISH TO COMPLAIN ABOUT THE EXISTENCE OF AN inequality-industrial complex. No matter the inner contradictions of such an enterprise, the research it has produced is valuable, and the conversations it has provoked are illuminating. Perhaps most significant, it seems to be helping elucidate how these tremendous differences in wealth aren't a product of moral turpitude or personal failure, but of calculated and determined policy.

This sentiment has been prevalent in recent movements, from the Fight for $15 to Black Lives Matter and #MeToo. It has featured prominently in political campaigns and stump speeches, both from those on the left, like Bernie Sanders and Alexandria Ocasio-Cortez, and those tacking toward the center, like Kamala Harris and Cory Booker. Even Hillary Clinton made inequality a central issue on the campaign trail in 2016. Heather Boushey, who led economic policy for Clinton's transition team and now works at the think tank Washington Center for Equitable Growth, says that it was one of Clinton's most popular points. (Stephen Moore, an economic adviser for Trump's campaign, accused Boushey of being "focused on equality instead of growth," while "our campaign is based on growth, growth, growth.")

But the fact remains that inequality talk can fuel right-wing rallying cries against immigration as easily as it can figure into left-wing talking points for fairer taxation. Reducing inequality on a national scale still requires drawing boundaries, which raises questions about whom a leveling of resources might benefit, and how. There's nothing progressive about redistribution in a white ethnostate, for example, even if it means appropriating Rupert Murdoch's yachts. Nor is there anything admirable about blocking all immigration with the goal of raising wages for "real" Americans.

Immoral economy: A new crop of candidates like Alexandria Ocasio-Cortez argue that inequality is a structural problem.

Recognizing the limits of inequality discourse—and conducting it in an egalitarian, not an instrumental, spirit—is thus crucial. Because regardless of their station, Americans today feel unequal—whether it's because, as women, they get paid 81 cents to the dollar; or because, as African Americans, they have barely seen their household incomes rise since the civil-rights era; or because, as white men, they are on the "losing" end of initiatives aimed at promoting equality of opportunity, such as affirmative action; or because, as 1 percenters, they feel envious of their neighbor's sixth car. This suggests that there is something fundamental about advocating for economic equality as a matter of fairness, not just because inequality is a drag on growth. It also underscores the importance of considering inequality in universal, global terms, not nationalist ones.

What's more, the current "inequality paradigm"—the subject of a forthcoming book by London School of Economics sociologist Mike Savage—raises its own set of vexing questions. It just may be that, given the earth's increasingly limited capacity to handle traditional "growth," we can't aspire to bring everyone to the top. "If we want to live in a better society, it's not 'How do we grow more?'" Savage points out. "It's 'How do we become more sustainable and think about having inequality at a level which people find acceptable and not extreme?'" A rising tide might not lift all boats—or even only the yachts, as Joseph Stiglitz so memorably put it. Instead, it might simply flood us all out of existence.

Are these policies about achieving equality, or merely fighting inequality?

Anthropologists David Graeber and David Wengrow reject the inequality paradigm for many of these reasons. In a recent essay in *Eurozine*, they argue that the common policy prescriptions—fiddling with tax rates, for instance—are technocratic, self-serving, and insufficiently radical. The current discussions of inequality may well "shock the public with figures showing just how bad things have become ('can you imagine? 0.1% of the world's population controls over 50% of the wealth!')," but they fail to address "any of the factors that people actually object to about such 'unequal' social arrangements: for instance, that some manage to turn their wealth into power over others; or that other people end up being told their needs are not important, and their lives have no intrinsic worth."

Graeber and Wengrow have a point. Incrementalism, historically, has not worked. Most of the factors that have reduced inequality to a significant degree have been grim: wars, plagues, immiseration, the guillotine. What those without wealth need, even before wealth, is power—through unions, through political parties, and through the state. That might mean pressuring governments to take from the few to give to the many. It might mean more cooperative models of ownership. It might involve burning the whole thing down.

In fairness, inequality researchers have begun to quantify power imbalances—by adding up corporate power, for instance, or revealing the distortionary effects of monopolies, or examining how inequality corrupts the political process. At the same time, there is always the risk of the issue becoming depoliticized by technocrats, much like past initiatives to fight poverty or promote sustainable development.

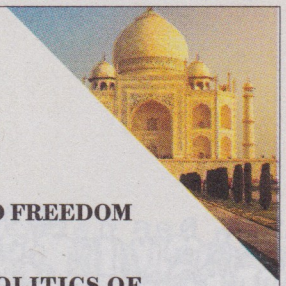
Now that we understand these phenomena better, we need radical solutions to come into play in the political arena as well as the intellectual one. And they need to be animated by an egalitarian spirit, not a technocratic one that, in the current context, is doomed to fail. Boushey suggests going back to basics and figuring out what it is we're referring to in the first place when we talk about economic growth. The gross domestic product "has been our measure," she points out. "We think that if GDP went up, that's good! But we need to show people what matters is not how much it grows [but] to whom the gains go."

"We need to make sure wealth is not self-perpetuating," Boushey adds. "We got here by saying, 'Rich people and Wall Street have our interest at heart, and they'll regulate themselves and there will not be bad outcomes if we let them do what they want.' We saw how that turned out." ■

REUTERS / JONATHAN BACHMAN

THE Nation. TRAVELS

Singular Journeys for Progressives



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— Pam, Louisville, KY (Vietnam, Nov. 2017)

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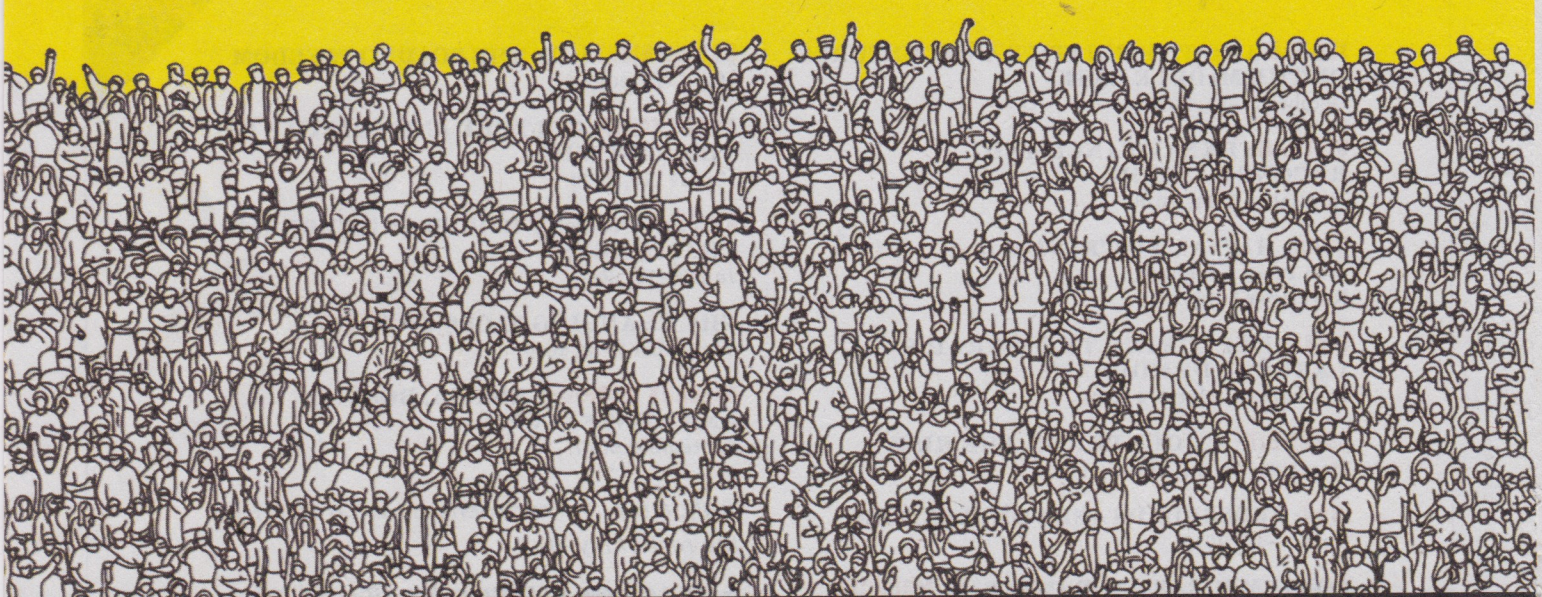
The Rapid Decline of the

CONSUMER FINANCIAL PROTECTION BUREAU



Mick Mulvaney doesn't care about protecting students or even members of the military. But he's making car dealers, payday lenders, and student-loan companies very happy.

George Zornick

The Nation.

THE CONSUMER FINANCIAL PROTECTION BUREAU HAD A DIFFICULT BIRTH. WRITTEN INTO THE DODD-FRANK REFORMS IN the aftermath of the 2008 financial collapse, the CFPB was created to protect consumers from payday lenders, credit-card companies, student-loan sharks, and debt collectors.

That made the bureau a natural target of those industries. In 2012, lobbyists pushed Congress to eliminate the position of CFPB director in favor of a five-person board, and to put Congress, not the Treasury, in charge of its funding. They also tried to slow down the bureau's formation, recalls Christopher Peterson, a former CFPB official who served as a special adviser to the bureau's first permanent director, Richard Cordray. "Members of Congress would send letters demanding explanations," Peterson says. "That doesn't sound like that's that big of a job, but it's a lot easier to write a question [than to answer it]—especially if a lobbyist or an attorney for a financial institution is actually ghostwriting."

The goal, ultimately, was to strip the CFPB of its independence. With the election of Donald Trump and the rapid implementation of his virulently anti-regulatory agenda, the lenders finally got their wish.

Last November, Cordray resigned to run for governor of Ohio (his directorship was slated to end in July 2018). Trump's pick to replace him was former House member Mick Mulvaney (R-SC), who also heads the Office of Management and Budget. Mulvaney immediately brought the bureau under the president's direct political control, assigning appointees to shadow career staffers in each CFPB division, moving critical supervisory and enforcement functions into the director's office, and requesting no money for bureau operations at all. In June, he fired his entire advisory board after several members criticized his leadership. He also changed the agency's name to the Bureau of Consumer Financial Protection.

Among Mulvaney's more radical moves has been to defang the CFPB's oversight of student loans. American students are deeply in debt: 44 million people owe a combined $1.5 trillion. Eight million are now in default, while 3 million more are at least two payments behind; three times as many people defaulted on student debt in 2016 than lost a home to foreclosure. That makes these borrowers susceptible to scams: Under Cordray, the bureau received 60,000 complaints through August 2017—that's one complaint per hour, 24 hours a day, seven days a week. The CFPB acted on many of them, returning $750 million to injured borrowers, as well as conducting proactive supervision.

That didn't sit well with lenders, and Trump's new guard quickly moved to appease them. Even before Cordray resigned, the Education Department hamstrung the CFPB by saying it would stop sharing student-loan data with the "overreaching and unaccountable" agency. Upon his appointment, Mulvaney folded the bureau's student-loan division into a consumer-education office—a clear signal that the CFPB would focus on providing information about the loans, not on monitoring bad actors.

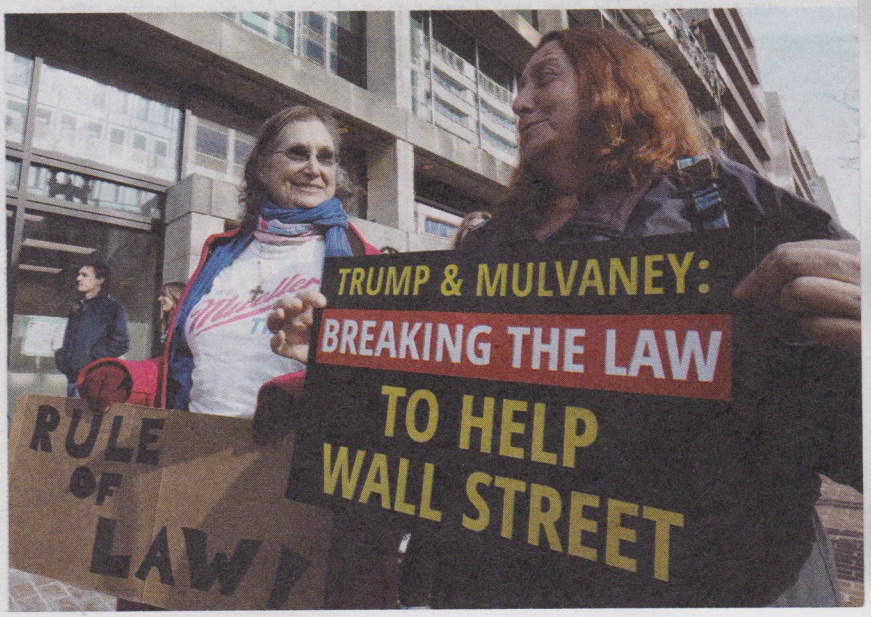
Seth Frotman joined the CFPB in 2016. As the assistant director and student-loan ombudsman, Frotman was one of the highest-ranking federal officials overseeing student-loan servicers. By August of this year, he'd had enough: "[Y]ou have used the Bureau to serve the wishes of the most powerful financial companies in America," Frotman wrote in his incendiary resignation letter, noting that Mulvaney's political appointees had "repeatedly undercut and undermined career CFPB staff" at the expense of students and to the great advantage of lenders. Frotman further alleged that the bureau's political staffers had suppressed evidence that the nation's largest banks were "saddling [students] with legally dubious account fees."

If Frotman is right, this could have repercussions on a massive civil action previously filed by the CFPB against Navient, the largest student-loan servicer in the country. Navient is accused of systematically misleading borrowers about repayment options. In July, a judge rejected the company's motion to have the civil action dismissed; Mulvaney hasn't said whether the CFPB will proceed with the suit, but conservative editorial boards and Navient's CEO are urging him to abandon it. "What this means is that there are college kids out there who are being charged illegal fees by major banks," Peterson observes. "And the Trump administration's political staff that's in control of the bureau covered up that information."

> **"What this means is that there are college kids out there who are being charged illegal fees by major banks."**
> —Christopher Peterson

CYNICS MIGHT EXPECT TRUMP TO THROW STUdents under the bus: This is, after all, a president who settled a multimillion-dollar fraud case related to his own for-profit college. Less predictable—but equally disheartening—is the administration's treatment of people in the armed forces.

Members of the military and veterans are uniquely vulnerable to loan sharks and scams. Roughly half of the United States' active-duty service members are under 25, and the military provides many of them with their first regular paycheck. Young soldiers, sailors, and Air Force personnel with limited credit histories are required to move



Unhappy consumers: Protesters outside the CFPB demand Mulvaney's ouster.

REUTERS / YURI GRIPAS

frequently around the country and overseas, sometimes with little notice, so their spouses struggle to find stable work. In military towns with a high population of young people far from home and in need of credit, financial predators—particularly payday lenders and automobile-financing firms—are eager to swoop in. The Defense Department has found that service members are four times as likely as civilians to be targeted by unscrupulous lenders.

To limit the damage, Congress passed the Military Lending Act of 2006, which capped interest rates and extra charges; until recently, the CFPB sanctioned some lenders that violated the act. But the bureau's work in this area seems unlikely to continue. Public records show that on August 2, representatives from the National Automobile Dealers Association, the American Financial Services Association, and the American Bankers Association met with officials from the Department of Defense and Mulvaney's Office of Management and Budget to discuss "Military Lending Act limitations on terms of consumer credit extended to service members and dependents." Documents indicate that the industry groups wanted relief from a rule restricting the sale of a type of insurance, called "guaranteed acceptance protection insurance" or GAP, to service members financing their cars with MLA-protected loans.

Auto dealers like GAP insurance because it can be more profitable than the sale of the car itself. They portray it as a commonsense product that protects borrowers who owe more than their car is worth if the vehicle gets totaled or stolen. But consumer advocates say GAP insurance is a costly scam. A recent report from the National Consumer Law Center found that it was the second most frequently pushed add-on by car dealers, after service contracts; that markups on the insurance averaged 170 percent; and that "consumers often find that GAP products fail to provide the promised benefits."

Representatives of the nation's car dealers and financiers present at the August 2 meeting wanted permission to keep pushing GAP on members of the military, according to records. What they got was no more cops on their beat: *The New York Times* reported a week later that the CFPB would stop proactively supervising these dealers and lenders.

Birth of a bureau: President Obama greets members of Congress after signing the Dodd-Frank Act in July 2010.

The Defense Department found that service members are four times as likely as civilians to be targeted by unethical lenders.

Save Dodd-Frank: Crowds rallied in New York's financial district to oppose Trump's regulatory rollbacks.

Paul Kantwill, a former Army colonel who joined the CFPB under Cordray in late 2016 as assistant director for service-member affairs, likens this to "removing your sentries from the guard towers on your installation." Kantwill, who left the agency this past summer, cautions that "you may have the guard tower there, but if there's no one there to look at the fence line and to maintain security, you can expect that bad actors are going to get in."

Among these bad actors is the Security National Automotive Acceptance Company, an Ohio-based business specializing in auto loans to service members. Thanks to the CFPB's oversight, we know that SNAAC has been ruthless. When service members defaulted on a loan, the company hounded them with bogus threats, according to an administrative order that the CFPB filed against SNAAC in 2015. SNAAC's debt collectors would also threaten service members with demotions or even discharges and invoke the loss of a security clearance or a potential promotion. After a sailor near Norfolk Naval Station in Virginia fell behind on car payments as the result of a divorce, SNAAC collectors "began to call and threaten me over the phone to include contacting my commanding officers," according to a 2015 complaint. The sailor gave up the car and eventually resolved the debt—but a few years later, SNAAC collectors suddenly "started calling and harassing me again." The debt, too, somehow reappeared on credit reports as unresolved.

Whether this was done out of greed or sheer incompetence, it shows how necessary a watchdog like the CFPB still is. The Defense Department can't protect its employees from this kind of predation because it is not a financial regulator—and as a nonbank lender, a company like SNAAC would have operated with virtually no regulatory oversight if not for the CFPB.

In 2015, the bureau filed an administrative order against SNAAC for illegal debt-collection practices, forcing the company to refund $2.28 million to service members and other borrowers and pay a $1 million pen-

TOP: AP / PABLO MARTINEZ MONSIVAIS; BOTTOM: SIPA VIA AP / MICHAEL NIGRO

alty. The CFPB also obtained a separate court order banning SNAAC's practice of using exaggeration, deception, and threats to compel payments from service members.

Kantwill says that the CFPB's newly passive approach means it will essentially have to sit back and wait for the SNAACs of the world to prey on service members; nothing will change until consumers have been harmed. For members of the military, "it might mean that their careers have been compromised—and perhaps their family situations have been compromised as well."

The situation also poses a national-security risk. The Defense Department has found that financial turmoil has a demonstrable effect on military readiness and morale. Kantwill says he's seen it happen: "There is a direct correlation between financial readiness and mission readiness."

THINK CAR DEALERS ARE SCUMMY? IT GETS worse. Perhaps no other group has benefited more directly from Mulvaney's largesse-by-neglect than payday lenders. Mulvaney has transferred the CFPB's Office of Fair Lending and Equal Opportunity from the specialized Supervision, Enforcement, and Fair Lending Division to the director's office. He has also dropped a suit against some of the most deceptive creditors in the country: Golden Valley Lending, Silver Cloud Financial, Mountain Summit Financial, and Majestic Lake Financial.

Between August and December 2013, Golden Valley Lending and Silver Cloud Financial extended $27 million in payday loans and violated the Truth in Lending Act by hiding the true cost of these loans from consumers. According to a CFPB complaint filed last year, these loans carried annual interest rates of anywhere from 450 to 900 percent—meaning that a customer would have to repay up to $900 in interest alone over the course of a year on a $100 loan. (By contrast, earlier this year the New York attorney general arrested 10 people allegedly connected to the Lucchese crime family for running a lucrative loan-sharking operation. The yearly rate of their "usurious loan payments": 200 percent.)

But there was a catch. Though Golden Valley and its ilk had straightforwardly violated state usury laws, they claimed to be protected by tribal sovereign immunity, since they had been incorporated on Indian reservations. This kept state authorities at bay, because they had no jurisdiction. But sovereign immunity can't be invoked against the federal government, and the CFPB took the opportunity to step in.

When Mulvaney dropped the suit, he claimed that career CFPB staffers supported his decision—only to backtrack when NPR reported that his "entire career enforcement staff" had opposed it. The truth is, this type of lending has helped bankroll Mulvaney's political career. In the 2015–16 election cycle, payday lenders like the World Acceptance Group (which also saw its CFPB charges dropped) gave Mulvaney, then a congressman from South Carolina, $31,700, making him the ninth-highest congressional recipient of donations from the industry at the time. Golden Valley, meanwhile, is still operating and advertising payday loans on its website.

> **"If you're a lobbyist who never gave us money, I didn't talk to you. If you're a lobbyist who gave us money, I might talk to you."**
>
> —Mick Mulvaney

To Mulvaney's credit, he plays it straight with his donors: Last April, he told an American Bankers Association conference that "we had a hierarchy in my office in Congress. If you're a lobbyist who never gave us money, I didn't talk to you. If you're a lobbyist who gave us money, I might talk to you." And he has certainly been doing a lot of "talking." The watchdog group Public Citizen compared the 30 companies with the most complaints in the CFPB database to Mulvaney's donors throughout his congressional career. Nineteen of the 30 companies—including eight of the top 10—had contributed, via political-action committees, to him.

MULVANEY HAS HALTED ENFORCEMENT AND caused otherwise dedicated public servants to leave the CFPB in protest. But he hasn't yet managed to pare back the bureau's statutory authority. Waves of unsuccessful lawsuits against the CFPB over the years have helped to establish its legal authority, and Mulvaney hasn't convinced the Republican-controlled Congress to get rid of his position altogether, or to take over the independent agency's budget outright.

That might be because a vast majority of Americans like financial regulation in general, and the CFPB in particular. A poll conducted by Americans for Financial Reform found that three-quarters of likely 2018 voters support the existence of the CFPB, and more than half are concerned about efforts to hobble it. That poll was taken before news of the planned pullback on military lending broke.

Christopher Peterson says that the agency can, in theory, take up the mission that he and many other idealists signed up for in the years after the economic crash. "My sense is that the essential strengths and features of the bureau are still intact," he says. "With appropriate leadership in place, the bureau can continue to serve the function that Congress asked it to serve."

Yet that would require the CFPB to be led by someone who actually cares about borrowers. Let's hope it doesn't take another crisis. ■

Before and after: Trump appointee Mick Mulvaney (below) replaced Richard Cordray (bottom) in the CFPB's top job.

TOP: WIKIMEDIA CC-BY-2.0 / GAGE SKIDMORE; BOTTOM: REUTERS / JONATHAN ERNST

A New Campaign to Turn the Blue Ridge Mountains...

BLUE

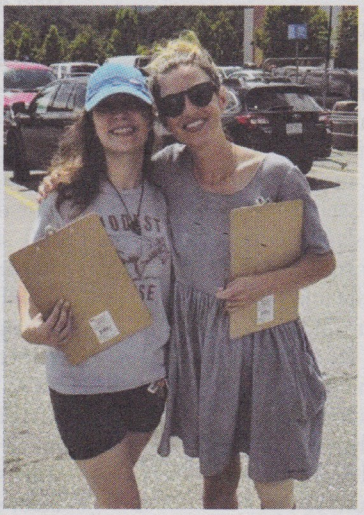
Down Home North Carolina is organizing at the grass roots in this rural region.

by SASHA ABRAMSKY

In her cramped bungalow on the outskirts of Sylva, a small town in North Carolina's Jackson County, Carrie McBane is speaking with two strangers, Brigid Flaherty and Sharon "Lois" Cullins, about her lack of health care, her low wages, and the growing opioid epidemic in the surrounding community.

Flaherty heads a progressive policy organization called Down Home North Carolina, which she co-founded shortly after the 2016 elections. Cullins, a recovering addict, is one of DHNC's paid canvassers. In prison, Cullins turned her life around and began working as a peer counselor for other addicts. Since then, she has made it her mission to work on community organizing. A 55-year-old African American, Cullins comes off as fearless; since she began working with Flaherty's group in late 2017, she has often canvassed in this rural, deeply conservative, and mostly white region of the Tar Heel State.

Both Flaherty and Cullins are especially interested in reaching out to people whose political opinions are usually ignored. When they find someone willing to talk, one of them takes out her iPad and makes note of the answers. These go into a growing database of conversations that the canvassers have been conducting across the mountainous western region of North Carolina, to find out which issues will be important in building a progressive coalition across this battleground state.



Blades of grass: Above, Chelsea White and Brigid Flaherty recruiting in Waynesville; opposite, the DHNC chapter in Alamance County.

McBane, who is originally from Nicaragua and was adopted by a couple from Florida in the 1980s, works at a local Dollar Tree store. Although still young, she has Type 2 diabetes, which was recently diagnosed after she suffered a cascading series of health crises. "I stopped eating," McBane tells the two organizers. "I developed really bad dry mouth. Had a crack on my tongue. It hurt so bad. I dropped 20 pounds in a month. It scared me." Like so many working-class people in a state where GOP legislators have resolutely blocked the expansion of access to health-care services, McBane has to pay out of pocket when she needs to see a doctor. The local clinic, which caters to the area's uninsured, charges her a discounted rate of $60, but each visit to a specialist racks up hundreds of dollars in bills, and each visit to the ER thousands. In paying her medical bills, McBane has burned through a small inheritance left by her parents.

As she sits in a purple rocker, her large, well-groomed Norwegian elkhound waddling around the small living room, McBane describes a general state of chronic economic insecurity. "No one has health care around here," she says. "No one I know—and I know people with full-time jobs. Everything's out of pocket." Even though she has a job, her income is so low that she qualifies for food stamps; and yet, she points out, the Trump administration is trying to make it harder for people to get such assistance. "The government asks a lot of us without any idea of the consequences to people," she says. "And they don't care."

At times, McBane breaks down in tears. When she does, Cullins or Flaherty gets up and hugs her.

"No one has health care around here. No one I know—and I know people with full-time jobs."
—Carrie McBane

The women's meeting with McBane was part of a broader DHNC effort in the area. In early June, the organization settled into Jackson County for an intensive canvass aimed at reaching several hundred people and drawing in dozens of new members. Each day, Flaherty led a training session in the City Lights Café, on a road just up the hill from Sylva's Main Street. She thrives in the humidity, she says, getting a rush after escaping the air-conditioned cafe for the sweaty conditions outdoors; it makes her feel like she's at home.

All of the participants in the training session, ranging in age from their early 20s to their late 50s, are wearing blue Down Home North Carolina T-shirts, emblazoned with a red cardinal and a silhouette of people with raised fists. The cafe, which doubles as a bookstore, might seem like an improbable presence in this conservative Appalachian town, with the local paper mill and its belching smokestacks not far from Main Street. The servers all wear purple-patterned tie-dyed shirts, and the cafe's motto, imprinted on a large tie-dyed sheet in the back, is Love Your Community. The food here is largely organic, and the beers it serves are microbrews. The bathrooms are labeled "unisex," a rebellious jab against the state's notorious 2016 anti-transgender bathroom law (which was partially repealed last year). In any number of ways, the meeting spot seems more Berkeley than Blue Ridge.

Flaherty, 37, her arms heavily tattooed with images of paintings by the Mexican artist Frida Kahlo and other women, uses City Lights as a staging ground, from which she sends canvassers out to trailer parks, apartment complexes, poor riverfront communities, and isolated mountain cabins.

Sometimes they end up talking to residents about pocketbook issues like health care, other times about racial strife. To the west of Main Street, at the top of a hill reached by a long flight of stone stairs, is the old courthouse (now the town's public library). In front of it sits a large monument to "our heroes of the confederacy," erected during the wave of "Lost Cause" nostalgia that spread throughout the South in the early 20th century.

In recent years, as the dispute over Confederate monuments has heated up, progressives in town have organized vigils and protests at the former courthouse. They have been countered by neo-Confederate and white-supremacy groups like Identity Evropa, who have been carrying out their own recruiting efforts in these isolated Appalachian hollows. So far, none of the confrontations have turned violent, though Flaherty does recall the hair rising on the back of her neck when one white supremacist passed her during a vigil, leaned in close to her ear, and whispered in a menacing drawl, "You be safe now."

COURTESY OF DOWN HOME NORTH CAROLINA (2)

For Flaherty, who grew up working class and divided her time between her divorced parents before settling with her mom in North Carolina, this is familiar terrain, albeit one she left behind temporarily to get a graduate degree at New York University. After that, she worked as organizing director at the Alliance for a Greater New York on labor and environmental-justice issues, got married, and traveled around the country attending activist conferences and events.

In 2011, Flaherty met a younger organizer from North Carolina, Todd Zimmer, at that time fresh out of Washington University and with a passion for organizing similar to hers. Sharing Tar Heel State stories, the two became fast friends. Five years later, on the day after the 2016 presidential election, a distraught Flaherty—after crying for hours in a New York City park—decided that she needed to return to North Carolina and fight for progressive goals in a state that had gone for Barack Obama in 2008, only to veer right again in the subsequent two presidential elections. Changing the outlook of voters in a handful of key counties in a battleground state would, she reasoned, be as important a political project as any she could imagine.

Within weeks, Flaherty and Zimmer had decided to co-found a grassroots organization in their home state. She packed her bags, said goodbye to her husband and their home in Brooklyn—they would navigate a long-distance marriage—and headed back to the Tar Heel State. She thought North Carolina, like Virginia, ought to be fertile ground for Southern progressives. The state, though, had been hijacked by a hard-right legislature that had subsequently embraced an aggressive form of gerrymandering and voter suppression and a volatile mix of bait-and-switch issues, like the 2016 bathroom bill, designed to drive a conservative base to the polls.

Flaherty and Zimmer began looking at economic, political, and demographic data for the 100 counties in the state, roughly 80 of which are largely rural. Initially, they were seeking a handful of rural counties where relatively decent-paying blue-collar and farming jobs had been replaced by low-wage service-sector work. In such counties, the politics leaned conservative, but they were competitive enough to be worth a door-to-door organizing effort—and the "alt-right" presence in those areas made the need for a grassroots counternarrative particularly vital. Within a few months, Flaherty and Zimmer had zeroed in on two counties: Alamance, in the central region, and Haywood, a couple hundred miles to the west. About a year later, they added Jackson County—original home of the Cherokee Nation, which, in a particularly cruel jab, was named after the Cherokees' chief tormentor, Andrew Jackson.

The opioid epidemic is a major issue here; many of DHNC's volunteers are ex-addicts.

Racial-justice allies: DHNC works with Tausha Forney, seen below (in pink bun) at the Pigeon Community Multicultural Development Center.

With some seed money from People's Action in Chicago, which has been nurturing grassroots efforts around the country for the past decade, the pair started organizing in Alamance and Haywood. They set to work, knocking on doors with a short survey in hand, asking people about the issues that concerned them most. In a self-sustaining system, they steadily recruited volunteers as they canvassed. Soon they had hundreds of members, who pay a small, sliding-scale fee to join the organization and engage in canvassing, protests, lobbying efforts, and so on. Flaherty temporarily moved with her pet dog and cats into a house in the mountains outside of Sylva and hired a young local organizer named Chelsea White to help her.

White, who grew up poor in the area and decided to stay after college to do community work, had a particularly good bead on the issues that would resonate. "The biggest industries here are service, retail, fast food," she says. Most of her college friends left the county as soon as they got their degrees. But White was stubborn; she wanted to address the economic challenges of the community in which she'd grown up, "for those for whom leaving isn't an option." Now she spends much of her time driving around the county in her tiny sky-blue Fiat 500, six days a week, arranging meetings and encouraging her neighbors to shed their political reticence.

DHNC's canvassers focus on a number of issues, among them affordable housing and health care—altogether fitting, since, like much of the rest of the country, most low-income jobs in North Carolina don't come with insurance. The opioid epidemic is a major issue here; a number of DHNC's volunteers have struggled with substance abuse, and several have been incarcerated, so they understand the crisis firsthand. They can talk easily to residents of poor trailer parks and small riverfront communities where everyone knows someone whose life has been destroyed—or is being destroyed—by drugs. Sometimes the volunteers distribute the overdose antidote Naloxone as well as fentanyl-testing strips, which allow heroin addicts to make sure their supply hasn't been laced with the often-fatal synthetic opioid. Even in this conservative region, residents look favorably on such efforts.

DHNC also attacks low wages. By the spring of 2018, they had won a sizable local victory, convincing the town of Waynesville's board of aldermen to raise the hourly wage of city employees to at least $12.39, plus benefits. North Carolina has veered far to the right on labor issues, so this was a huge win, securing considerable publicity for DHNC.

The group also focuses on racial strife, a crucial issue in a state where the Ku Klux Klan maintains an active background presence. From the get-go, DHNC campaigned for racial justice with Tausha Forney of the Pigeon Community Multicultural Development Center in Waynesville. (The center is housed in what was once the town's elementary school for black children.) There was a particular importance to this alliance: The region, with a relatively small African-American population, had a cross burning as

COURTESY OF PIGEON COMMUNITY MULTICULTURAL DEVELOPMENT CENTER

COURTESY OF SIEMBRA NC

Strength in numbers: Members of the advocacy group Siembra NC, another DHNC ally, outside an Alamance County Commission meeting in August.

recently as 2009, when a biracial high-school girl was targeted by the Klan. A quarter-century earlier, when Forney was a child and her family had just moved into a new home in a mainly white part of town, one of their neighbors started a petition to try to force them to leave.

"These things have been going on in this community for a long time," Forney says now. "It's getting better, but it still happens." In Alamance, DHNC began working to publicize the plight of 12 locals—nine of them black, all of them poor—who had registered to vote at the Department of Motor Vehicles while on parole or probation. None of them knew that doing so was illegal, and no one at the DMV told them it was when they registered. The 12 originally faced felony voter-fraud charges, which could have landed them in jail for up to two years. Most took plea deals, reducing the penalty, but the original charges were a clear attempt, local activists argue, to intimidate low-income and African-American voters into staying away from the polls.

Increasingly, the DHNC volunteers coordinate with other groups to try to limit the damage to the community by the Trump administration's stepped-up Immigration and Customs Enforcement raids. In Alamance, the controversial local sheriff, Terry Johnson, had been sued for racial discrimination by the Justice Department during the Obama administration (his officers were caught talking about going hunting for Latinos) and was forced to leave ICE's 287(g) program, which effectively deputizes local sheriffs to work as immigration agents. Under Trump, Johnson was invited back into the program, and a number of ICE raids have been launched in the county, with people being picked up on their way to work, in grocery stores, even outside their homes.

Zimmer's team has donated meeting space to Siembra NC, a local advocacy group for immigrants, and has partnered with Siembra in community meetings and rallies. Siembra also runs neighborhood watches to look out for ICE agents. "Our strategy has been, 'Let's take it to a person's door and tell them how to protect their rights,'" says Laura Garduño García, who runs Siembra. Zimmer says it's "a big task," since "folks are receiving the other message [against immigrants] very regularly." But, he adds, in recent months they've had some success bringing out at least a few local white workers to support their Latino counterparts in protests against the deportation machine.

Over the months, the DHNC's canvassers have eased into a rhythm, learning how to get the proverbial foot in the door even when residents say they aren't interested in talking. Sometimes a deeply conservative, Trump-supporting resident will wind up finding common ground with them on issues like low wages or dead-end jobs. Such was the case with retired carpenter Jim Lyle, 69, a great-grandfather of 14, whom Chelsea White and another young canvasser spoke with in his trailer park one afternoon. When people like Lyle realize the canvassers dislike the "moneyed interests" as much as they do, they will sometimes even agree to show up at the next DHNC meeting. "The whole concept is letting them imagine what they could change with power," Flaherty explains to the canvassers early one afternoon, before sending them out to the back roads of Jackson County.

> **"The whole concept is letting them imagine what they could change with power."**
> —Brigid Flaherty, DHNC co-founder

This is old-school organizing, winning people over one heart and one mind at a time. It's similar to how union organizers worked with small, isolated communities a century ago, and how civil-rights workers registered people to vote in the Deep South. It's as far removed from the activities of money-drenched political-action committees and TV and social-media campaigns as is possible to imagine. And it could reshape politics not only in North Carolina, but also farther afield, offering something of a template for organizers nationwide.

Over the next few years, Flaherty and Zimmer plan to expand into about 10 counties. Their hope is that, by presenting a genuinely progressive agenda to the alienated, impoverished local people who have veered rightward in recent years—and who were fertile ground for Trump's race-baiting rhetoric in 2016—they will be able to peel off enough voters to push through a more progressive policy agenda.

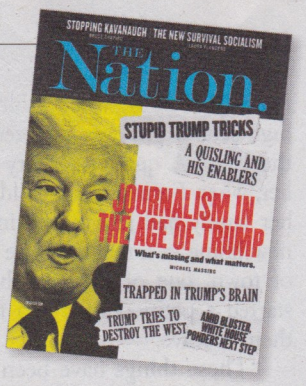
BACK IN CARRIE MCBANE'S HOUSE, SHE, FLAherty, and Cullins continue talking about the consequences of not having health insurance. "You're going to take away somebody's place to live, the roof over their head, if they have medical bills? It's outrageous!" McBane says.

The two canvassers convince her to join the organization and help them mobilize other locals to fight for social justice in the Blue Ridge region. By this point, they are pushing at an open door: McBane is ecstatic that the people from DHNC think she's worth listening to. She is beyond fed up, she says, with a situation in which "people make decisions for me, without seeking my opinion."

"Do you believe there is power in numbers?" Cullins asks as she finishes keying her information into the iPad.

"I do," McBane replies immediately, with passion in her voice. "I believe there is power in one." ■

Sasha Abramsky's latest book is Jumping at Shadows: The Triumph of Fear and the End of the American Dream.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Letters

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The Media vs. Trump

Michael Massing is right: It was wrong for *The New York Times* to allow gratuitous "opinionizing" in a June 23 news article saying President Trump "slinked away" from a clash with LeBron James "the way a bully does when faced with unexpected resistance" ["Journalism in the Age of Trump," Aug. 13/20]. That should have been edited out. Bad *Times*. But beyond that, Massing's criticisms of how the press and others are too gosh-darn hard on the president strike me as ridiculous.

The opinion pages of the *Times* and *The Washington Post* are dominated by anti-Trump voices, even among the conservatives? Oh, boo-hoo. The late-night comics all make fun of the guy, reinforcing his supporters' belief that "the media are monolithically and hopelessly arrayed against him"? Say it ain't so! Even when Trump does something good, like tamp down the inflamed tensions with North Korea he helped create, the media are still critical, pointing out that he used the dictatorship's terminology in calling US military exercises a "provocation"? Won't somebody please think of the children?

It is not the media's job to praise the president—any president. And yes, it is fair to take note when Trump embraces the perspective of murderous tyrants. Trump is, objectively, a pathological liar, way-past-the-borderline sociopath, and terrible president. Reporting that makes this clear will withstand even the most rigorous fact-checking.

A president who dubs the press "the enemy of the people" and leads the harassment of reporters at his rallies does not deserve to be treated with kid gloves, or even with respect. US media outlets will not regain the trust of the American people—or deserve it—unless they are willing to stand up for themselves while shining an unrelenting bright light on the unmitigated disaster that is the Trump presidency. Massing is on a fool's errand to insist that this singularly unbalanced president be treated with balance.

Bill Lueders
Managing Editor, The Progressive
Madison, Wis.

Michael Massing opines that the "Trump effect" is pushing aside many other urgent stories and that the right-wing populist wave needs to be dissected, not merely decried. Good grief! I was born under FDR and have never seen anyone like the "divisive, xenophobic, mendacious, and volatile" Trump (to borrow Massing's words) anywhere, let alone in the White House! The right has dreamt up "Trump Derangement Syndrome" to belittle people like me. Do I have to listen to a so-called liberal join in?

Also, those other urgent stories were being neglected before Trump took office, and they will be again once he is gone. Massing needs to face the fact that people are so horrified at what Trump is doing, at his stupidity and crudeness and cruelty, that they are ever-hungry for news of the latest Trump horror. That is journalism in the Age of Trump.

Sandra Miley
Sherrill, N.Y.

Michael Massing's analysis could not be more important or timely. The micro-focus of anti-Trumpism not only prevents potentially conciliatory conversations with Trump supporters (some of whom voted for Obama); it also prevents us all—Democrats, independents, and Republicans alike—from fully engaging on the political economy itself and "the disruptive forces that helped propel Trump to victory."

Trump is *a* problem, but he is only a symptom of *the* problem. *The* problem, as Massing points out, is the corporato-

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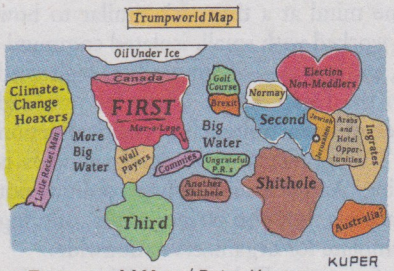
Artistic Dispatches From the Front Lines of Resistance

^**Phantoms** / Edel Rodriguez



^**Trumpworld Map** / Peter Kuper

^**Hit Parade** / Tim Robinson

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cracy, the deeply intertwined system of big banks, corporations, and Wall Street financiers. This system includes the corporate media that, however critical at times, functions as a cheerleader for the status quo.

Covering these realities in all their wanton detail would open up huge areas of potential solidarity among groups who do not realize they share similar positions in this unfair system and so instead are deeply at loggerheads. My question is: Where would the financial support materialize for the kind of journalism that Massing calls for? How can we enable a journalism that fully uncovers the origins and workings of the economic and cultural forces that propelled Trump's rise—a kind of journalism that, by bringing even a small majority together into a more basic solidarity, can prevent others like him from coming to power in the future?

Mary E. Hobgood
Marina del Rey, Calif.

I guess it takes *The Nation* to have the courage to publish an article like "Journalism in the Age of Trump," an article that smacks us liberals in the head with a much-needed wake-up call about the information we absorb daily. Massing lays out a reasonable argument about the press and the way it influences the various participants in today's roiling political landscape. He also points out that the media's obsessive focus on Trump leads, perhaps unintentionally, to many other important stories being ignored. Some of that information—for example, about the big banks and Wall Street—is probably much more important to our well-being than the current gossip about Trump and his gallery of incompetents. So bravo to *The Nation* for expressing truths about our current popular media.

Gayl Woityra
Tucson

Reading Massing's article, which criticized the press for attacking the president too harshly, I was tempted to look up at the masthead, thinking I had downloaded *National Review* rather than *The Nation*.

M.P. Gallen
Philadelphia

Michael Massing Replies

I wish that Bill Lueders had responded to my piece without the mockery. His letter exudes the same type of condescension and sense of superiority among journalists that I lament in my article. Had he read the piece more carefully, he would have seen that I actually applaud the move away from the false balance that prevailed in the past. What I'm criticizing is the gratuitous bias and partisanship that, while pleasing to choir members like Lueders, erodes the press's authority with everyone else.

Sandra Miley expresses a sentiment I frequently encounter in my work: Things were ever thus, so why fight them? This can only lead to a sense of resignation and stasis. For an example of how quickly things can change, look at the coverage of big tech: After years of celebrating companies like Facebook, Google, Apple, and Amazon for their ingenuity and coolness, news organizations are now racing to expose their baneful effects. I'd like to see the same done with big finance.

I appreciate readers like Mary Hobgood and Gayl Woityra, who understand that journalists can report aggressively on the reckless bully in the White House while still adhering to basic professional standards. As to how to fund journalism that takes on the 1 percent, I don't see any viable sources other than the 1-percenters themselves. There must be a few out there who are so disturbed by the gross inequities in our system that they're willing to fund journalism that seeks to reform it.

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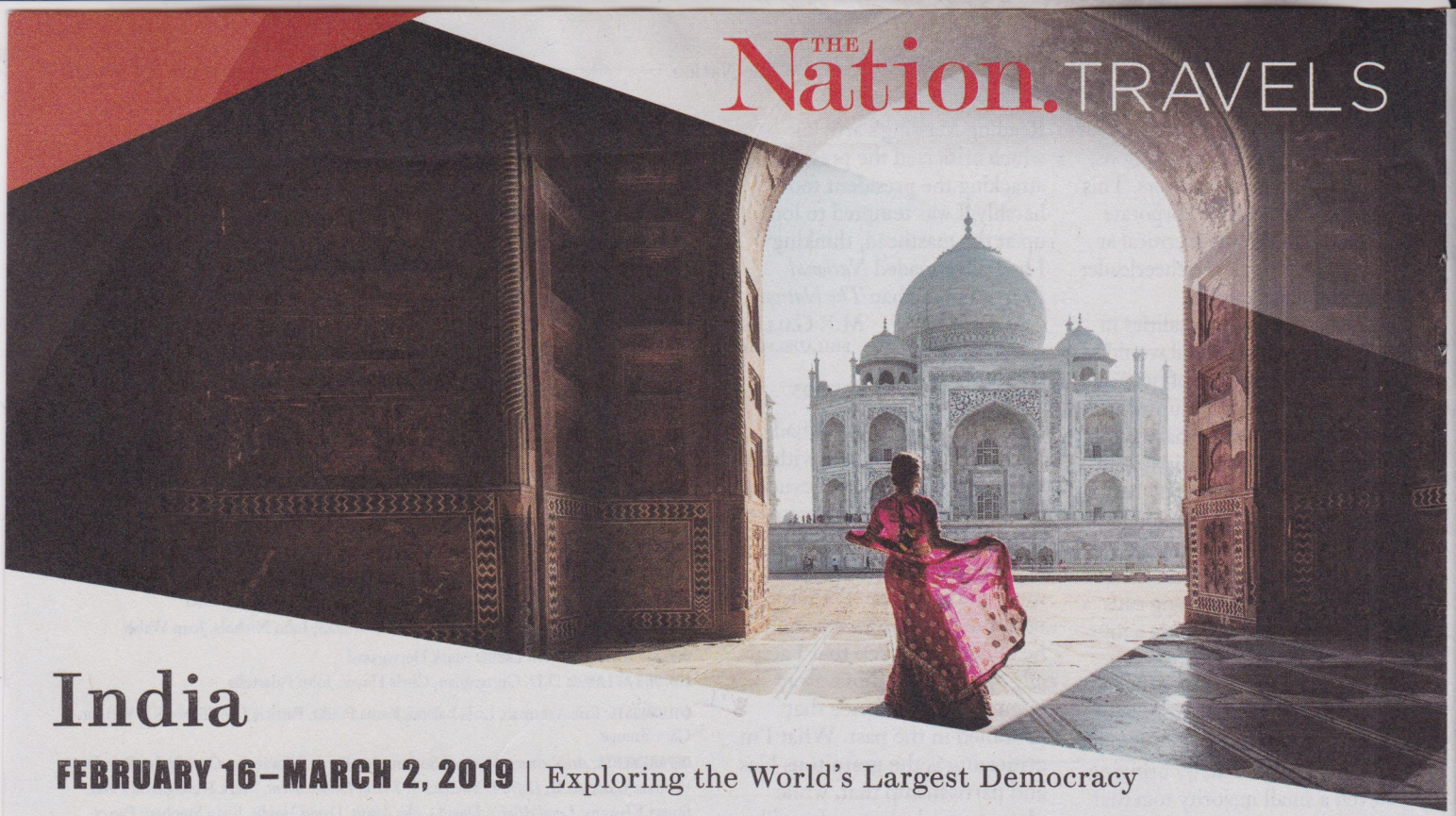

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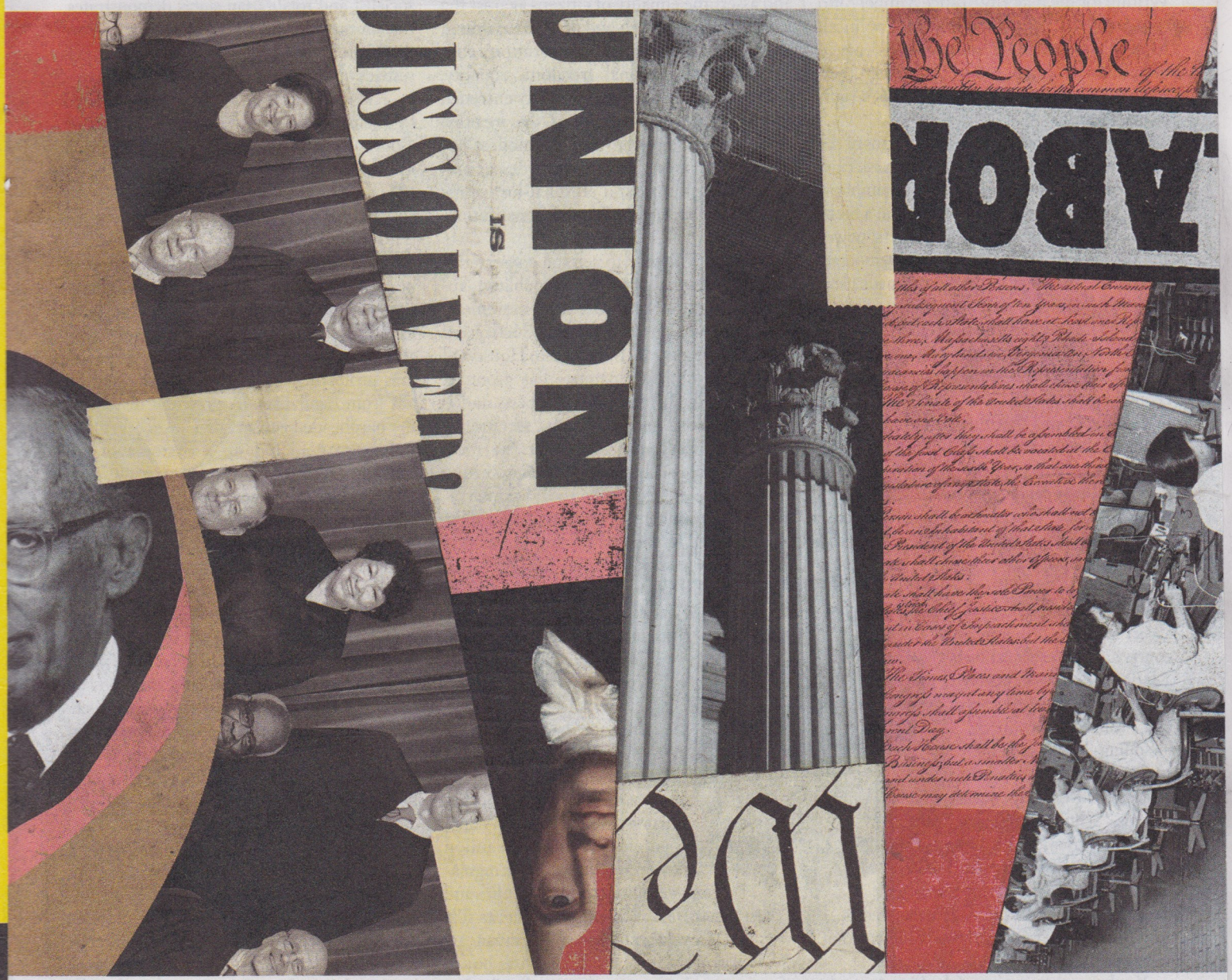


THE BOSSES' CONSTITUTION

How and why the First Amendment became a weapon for the right

by JEDEDIAH PURDY

In an unusually stinging dissent from the final major ruling of the Supreme Court's 2017–18 term, Justice Elena Kagan accused the Court's conservative majority of "weaponizing" the First Amendment. In a string of recent decisions, she argued, these justices had turned the protection of free speech into an all-purpose tool for shredding democratic policy choices that they disliked.

The case was *Janus v. AFSCME*, and the majority had just announced that public employees could not be required to pay dues for a union's collective-bargaining representation if they had opted not to join the union. For decades, workers who didn't join a union were exempted from paying general union dues (used for organizing, political advocacy, and the like), but they were required to contribute money to those direct services, such as collective bargaining, that they had benefited from. In *Janus*, the Court ruled that such a requirement violated the First Amendment.

Jedediah Purdy, a member of the editorial board of Dissent, *teaches at Duke University.*

ILLUSTRATION BY **TIM ROBINSON**

Writing for the majority, Justice Samuel Alito contended that unions are always political: Even in collective bargaining, unions engage in political advocacy and so to pay for union services is a violation of an employee's right to free speech.

Though couched in the neutral terms of the First Amendment, the Court's ruling wasn't just about free speech; it had clear partisan implications. The decision is likely to result in a hit to union coffers, both weakening workers' power and dampening union support for Democrats and public spending. But as Kagan made clear in her dissent, the stakes were even higher. Over the last decade, the Supreme Court has used the First Amendment as a justification for slashing regulations and protecting private economic power. In 2010, the Court ruled in *Citizens United* that the First Amendment guaranteed corporations (as well as unions) the right to spend unlimited sums of money in support of political candidates. In 2011, the Court ruled that the First Amendment protected the sale of prescription data by pharmacists to drug companies, which used it to tailor their advertising to specific doctors. Invoking free speech, the Supreme Court and the lower federal courts have also struck down a series of limits on advertising for pharmaceuticals and tobacco products, including health-labeling requirements and a ban on cigarette advertising near schools. Scholars and lawyers worry that, if spending money and transferring data are forms of speech, nearly any transaction might be constitutionally protected in an economy where everything is information and everything is for sale.

Yet the weaponization of the First Amendment isn't new. *Citizens United* has become notorious, but it merely extended a principle that the Court announced back in 1976 with its decision in *Buckley v. Valeo*, a ruling that gutted Congress's post-Watergate attempts at campaign-finance reform. But what makes the weaponization of free speech by today's Court so worrisome is that it's only one part of a much broader pattern in which the Court has aimed its most aggressive jurisprudence against egalitarian redistribution and the interests of working-class Americans.

All of these rulings are part and parcel of the libertarian right's attack on the redistributive state. But there is also a larger ambition at work here: to tilt the scales of capitalist democracy by hindering the capacity of democratic politics to reshape the market and assert the equality of citizens against the vast disparities of rich and poor. In so doing, the Court has recast the Constitution's core principles of personal freedom, equality, and democratic accountability to entrench the power of employers and the wealthy. A Court that once advanced a modest but real egalitarianism by supporting desegregation, voting rights, and criminal-justice reform is now creating a Bosses' Constitution.

Today, it is easy to see the conservative justices as part of a Republican apparatus: a right-wing legal movement, centered on the Federalist Society and running through the White House and the offices of key senators, that groomed Alito and Chief Justice John Roberts and is now in control of the Trump administration's judicial appointments. But the roots of an anti-redistribution, market-protecting Constitution are older than today's conservative legal movement. The Bosses' Constitution emerged at the end of, and in reaction to, the three decades after World War II of widely shared growth and expanded social protections, with the flattest distributions of wealth and income the country had ever seen and a strong role for organized labor in managing and benefiting from the national economy. For the center-right, these decades of growing equality presented a threat: Wages, public spending, union power, and bureaucratic regulation were undermining profits and free enterprise. Economist-publicists like Friedrich Hayek and Milton Friedman argued vigorously for cutting back the power of unions and of government redistribution programs to preserve market discipline and the libertarian freedom to invest in businesses and to hire and fire workers. Business elites listened, along with a new generation of corporate lawyers, who have always been the single greatest power center in the legal profession.

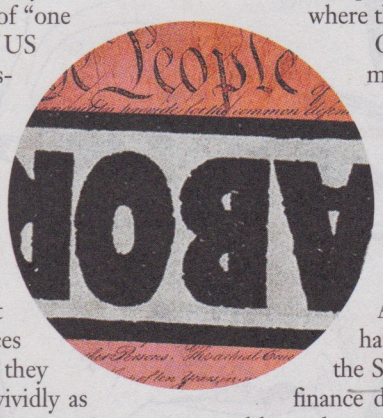
In a 1971 memo to the US Chamber of Commerce, future Supreme Court Justice Lewis Powell—then a lawyer practicing corporate law in Virginia—captured the spirit of the decade's libertarian turn. Favorably citing Friedman and calling on American business to make a full-court press for "the preservation of the system [of free enterprise] itself," Powell adopted Hayek's signature argument that "the threat to the enterprise system…also is a threat to individual freedom.… Freedom as a concept is indivisible. As the experience of the socialist and totalitarian states demonstrates, the contraction and denial of economic freedom is followed inevitably by governmental restrictions on other cherished rights."

A few months later, Powell was nominated by Richard Nixon for a seat on the Supreme Court. In 1973, Powell wrote the opinion in which the Court ruled that there was no constitutional protection for the poor, and no violation of equal protection when school-funding schemes mandated wildly different levels of funding in rich and poor neighborhoods. In 1976, his fellow Nixon appointee Harry Blackmun wrote the first opinion using free speech to protect commercial advertising, setting up the Court's later rulings protecting tobacco and pharmaceutical ads from regulation. (A prescient dissent by the hardheaded conservative justice William Rehnquist conjured up a dystopia of ads pitching drugs for pain and anxiety—exactly the world we live in now, in which drug companies have fueled the opioid crisis.)

The same year that the Court ruled that commercial advertising deserved constitutional protection as speech, it also issued a per curiam (unsigned) ruling in *Buckley v. Valeo*, which held that wealthy individuals, including candidates, could spend unlimited amounts on campaign ads, and that caps on total spending by political campaigns were also unconstitutional—a decision guaranteeing that wealth would translate directly into campaign speech. In 1978, Powell wrote the first opinion in which the Court subjected affirmative action to "strict scrutiny," its most aggressive review, setting in motion the steady erosion of an imperfect but important tool for mitigating racial inequality. By the end of the decade, the Court had declared economic inequality to be constitutionally benign and commercial advertising to be protected speech, and it also ruled that the Constitution forbade many of the efforts to check economic power and racial inequality through policies like campaign-finance laws and affirmative action.

The link between Powell's memo and the Supreme Court's turn in the 1970s wasn't a conspiracy, except in the sense that all political organizing is a kind of open conspiracy. It was, however, very important ideological work. At any time in US history, the Constitution's principle concepts—liberty, equality, political accountability—have the meanings that judicial interpretation assigns to them. These interpretations—even when they're styled "originalist"—always respond to the political movements, crises, and felt imperatives of the times, as inflected by the elite lawyers who populate the Court.

This was true of the Warren Court, which left its mark on the civil-rights era by desegregating public life, guaranteeing meaningful protections for the criminally accused, and making the principle of "one person, one vote" a part of US law for the first time in history. It was true as well of the justices in the New Deal era, who offered a legal basis for a powerful regulatory state and pro-union labor law that earlier Courts had persistently undermined. And it was also true of the justices of the 1970s, who, though they might not have put it as vividly as Powell did, saw their job as protecting constitutional liberty by pushing back against the power of the state to redistribute wealth and influence.



This new generation of justices insisted that their project was neither partisan nor ideological, but in effect it was both. At a time when the Democrats held the House and the Senate, the goal of this jurisprudence was to prevent lawmakers from entrenching themselves and their allies in power—in particular the unions and minority groups that were key Democratic constituencies.

The way to stop this was by limiting lawmakers' power to distribute privileges, and above all to prevent whoever was in power from tilting future elections toward their preferred successors. The post-Watergate effort to get money out of politics, these justices argued, favored the parties and candidates who could muster large volunteer networks (which tended to be the Democrats and unions), and it curtailed the influence of outsiders (which tended to be businessmen and financial elites keen to get involved in politics) who used their money to break into the mix. As far as these justices were concerned, this looked like picking winners—no matter that their rulings wound up stacking the deck for the wealthy.

The justices' prescription for heading off favoritism and entrenched interests mirrored some of the core ideological commitments of democracy-skeptical libertarianism. They treated politics as if it were one more market, in which spending and advertising were simply ways of expressing arguments. The Court's opinions portrayed voters as reasoning like the idealized consumers in rational-choice theory, considering their options (with help from the ever-informative advertisers) and making the decisions that best served their interests. In a literal free marketplace of ideas, political spending would preserve (as the Court put it in *Buckley*) "a republic where the people are sovereign."

Of course, this worked mainly to the benefit of one party and not the other. And it worked even more clearly to the benefit of the wealthy, who could now leverage their economic power to influence the political "market." And that's exactly what's happened: Since the 1970s, the Supreme Court's campaign-finance decisions have helped keep wealth at the center of political influence, while its decisions on education spending, poverty, and race have helped protect the nation's growing inequality from egalitarian disruption. This jurisprudence has also made it harder for those from outside circles to run for office. Politics in America has become the province of the rich: Today, less than 2 percent of members of Congress entered politics from blue-collar jobs, and at least 50 percent, according to one estimate, are millionaires.

American politics has always been profoundly divided along class lines. Today's disproportionate representation of the wealthy amplifies this. Since 1980, we have seen substantial cuts in public higher education, a growth in income inequality, the stagnation of wages, and a halving of the top marginal tax rate. The cost of class entrenchment is a Bosses' Republic.

The influence that wealth exercises over politics is not a matter of bribes, but rather structural and social. It is structural because many lawmakers are either white-collar professionals or wealthy, and also because the high cost of political campaigns requires constant infusions of money, and politicians and their staffers cannot afford to forget who has it. It is social because, thanks to the structural intertwining of money and power, those who hold power know, listen to, care about, and identify with those who have money—that is, people like themselves.

The gap between the reality of class entrenchment and the Supreme Court's rhapsodizing about political spending as the heart of self-rule is what makes the weaponized First Amendment ideological in the worst sense. This jurisprudence actively obscures how class entrenchment in America's legislative branch poses a threat to democratic self-rule. By doing so, it also deepens the problem, both by denying the existence of the basic conflict in capitalist democracies between organized money and organized people, and by taking a side in that conflict to protect and increase money's power.

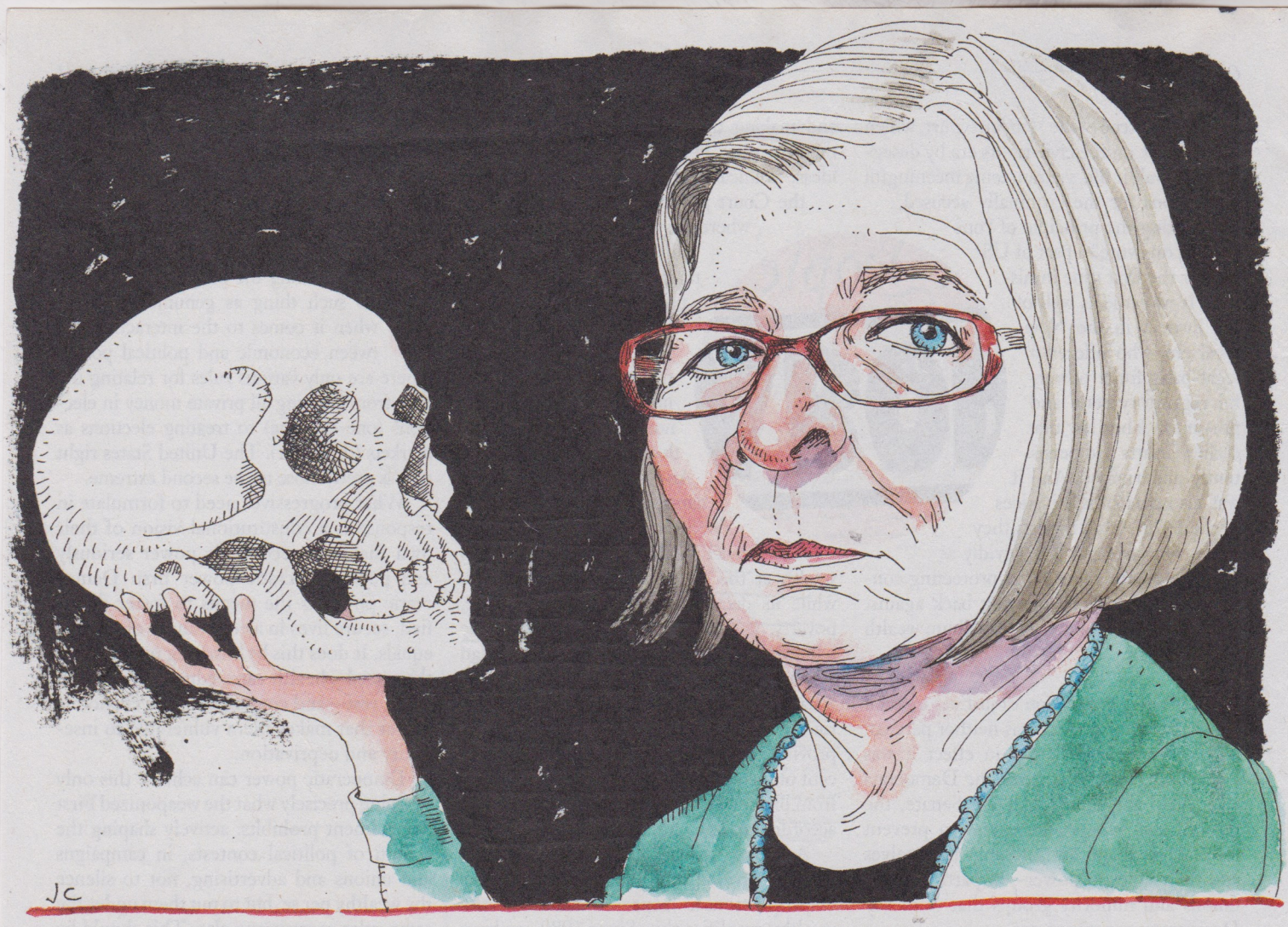
Despite the Court's high-minded ideas about letting the people rule, there is no such thing as genuine neutrality when it comes to the interaction between economic and political power. There are only various rules for relating the two, from banning all private money in elections (one extreme) to treating elections as markets (the other). The United States right now is pretty close to the second extreme.

What progressives need to formulate in response is a constitutional vision of their own that takes economic power seriously and puts democratic power first. Democratic power is the means to foster dignified, secure lives in a community of relative equals. It does this by ensuring people what they need—health care, education, shelter, work, rest—and constraining the economic power that makes them vulnerable to insecurity and deprivation.

Democratic power can achieve this only by doing precisely what the weaponized First Amendment prohibits: actively shaping the terrain of political contests, in campaigns and unions and advertising, not to silence the wealthy per se, but to put them under the same rules as everyone else. This should be part of a larger vision of constitutional equality that would strengthen the right to vote and challenge racially disparate policing and incarceration. Its heart should be the power to make democracy itself more democratic by controlling the power of wealth.

As the Court noted in 2008, "making and implementing judgments about which strengths should be permitted to contribute to the outcome of an election" is a dangerous business, but dangerous is not the same as optional. Either democratic majorities will make decisions about the basic workings of our democracy, or those decisions will be made implicitly through the translation of economic power into political power. The first tack can be risky. The second, from the point of view of democracy, can be worse.

Distribution—both of the material goods of a society and of political power—is not an issue that a capitalist democracy can somehow avoid with the right constitutional formula. The questions of who gets what and who has the power to do what will be answered one way or another, and by one group or another. Redistribution is simply the word for giving real democracy a chance against the false neutrality of the Bosses' Constitution. ■



THE GREAT EQUALIZER

Barbara Ehrenreich and the ethics of dying

by MEGAN ERICKSON

There's no surer sign that life has become too comfortable for the rich than when they try to buy immortality. The first Chinese emperor enlisted scholars in his search for the elixir of eternal life and, after none was discovered, had them buried alive, figuring that if any of them was a true alchemist, he would return from the dead to share his secrets. (None ever did, but the emperor's penchant for drinking mercury—which he believed also had life-giving properties—probably didn't end up helping him live a long life.)

Leonard "Live Forever" Jones, a 19th-century US presidential candidate who accrued his fortune the American way—through speculation—believed that death could be overcome through prayer and fasting. Embarrassingly for his supporters, Jones died after refusing treatment for pneumonia on the grounds that illness was a moral, not a physical, concern. Later in the century, Gilded Age tycoons deified themselves through portrait-sitting, palace-building, and philanthropy, hoping this might at least sustain their image after their death, though it was then up to their heirs to maintain the memorials and the union-breaking that built them.

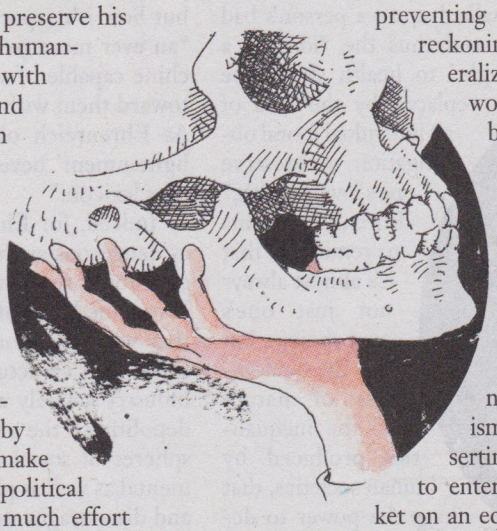
These acts of hubris pale in comparison, however, with the determination of today's global elites to modify their bodies and transcend mortality. Ray Kurzweil, the computer scientist and spiritual docent to Silicon Valley, has predicted that by 2045, it will be possible to download a human brain to a computer. To make it to that year,

Natural Causes
An Epidemic of Wellness, the Certainty of Dying, and Killing Ourselves to Live Longer
By Barbara Ehrenreich
Twelve. 256 pp. $27

Megan Erickson is a teacher, an editor at Jacobin *magazine, and the author of* Class War: The Privatization of Childhood.

ILLUSTRATION BY **JOE CIARDIELLO**

Kurzweil drinks alkaline water, takes 100 pills a day, and spends one day a week at a clinic having supplements delivered directly to his bloodstream to preserve his flesh for the time when humankind will finally merge with machines. It may sound like a 9-year-old's vision of the future, but Kurzweil isn't a kid or a cultist; he's a best-selling author who has been honored by multiple universities and three American presidents.



In *Natural Causes*, Barbara Ehrenreich explores the stories told by death-defying elites to make her own biological and political point: "no matter how much effort we expend, not everything is potentially within our control, not even our own bodies and minds." In death, we will once again be equals—and so an egalitarian politics also means accepting this outcome.

At 76, Ehrenreich tells us, she is old enough to die, and over the past few years she's given up preventive screening for breast cancer, scaled back her punishing exercise regime, and chosen to spend her time doing the things that bring her joy, like hanging out with her grandchildren. For Ehrenreich, this embrace of death is not merely a matter of biology but also of politics and ethics: "You can think of death bitterly or with resignation, as a tragic interruption of your life, and take every possible measure to postpone it," she writes. "Or, more realistically, you can think of life as an interruption of an eternity of personal nonexistence, and seize it as a brief opportunity to observe and interact with the living, ever-surprising world around us." Accepting death, for Ehrenreich, means being able to live more fully.

Over her long career as a journalist and activist, Ehrenreich has primarily made her name writing works of social history and cultural and political critique. Her first work, *Witches, Midwives & Nurses: A History of Women Healers*, written with Deirdre English soon after Ehrenreich received her PhD in biology, was composed in "a blaze of anger and indignation" at the exclusion of women as decision-makers in their own health care and the low status of the nursing profession. In 1983, at the height of the conservative backlash against feminism, Ehrenreich published *The Hearts of Men*, an examination of how cultural conceptions of masculinity entrap both men and women in resentment and dependence while preventing any economic reckoning with the generalized assault on the working class. The book sought to locate the appeal of figures like Phyllis Schlafly and the anti-feminist movement. It was also a brilliant defense of feminism and socialism: "By simply asserting women's right to enter the labor market on an equal footing with men," Ehrenreich observed, "feminism undercut the dependent housewife's already tenuous 'right' to be supported."

Ehrenreich followed up these early works with her seminal *Nickel and Dimed*, for which she spent three months struggling to survive on the wages earned while working in retail and as a maid, house cleaner, and waitress. A firsthand account of low-paid service work, *Nickel and Dimed* was made all the more powerful by the author's awareness that no matter how many shit stains she scrubbed away, she couldn't possibly convey what it really meant to "experience poverty" in America. Published just before the financial downturn of 2001, the book sold over a million copies.

Ehrenreich has always had a deeply personal aspect to her writing, but it was only with 2009's *Bright-Sided* that she put her own life at the center. In it, she used her breast-cancer diagnosis as the occasion for a striking critique of the positive thinking that runs through health-care treatment in America. Puncturing the insistence that people with cancer are more likely to survive if they think optimistically about recovery, Ehrenreich also explored the big business around prescribed optimism, from Dale Carnegie to the snake-oil salesman who "recommended positive thinking as a cure…for the entire economic mess" of the Great Recession.

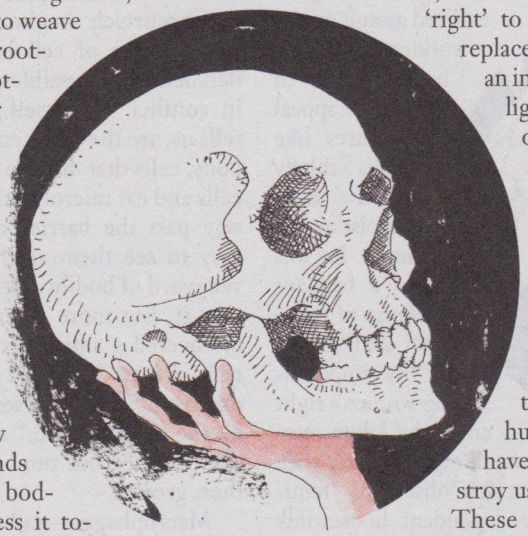
Like *Bright-Sided*, *Natural Causes* was inspired by a particular moment in Ehrenreich's life: her acceptance of her own mortality. But that moment gives way to a broader inquiry into the biological, social, and political implications of the American denial of death. In fact, one reason the book is so compelling is that Ehrenreich moves fluidly back and forth between discussing our physical limitations, our social and political limitations, and the relationship between the two.

Ehrenreich begins with microscopic observations of cell behavior to paint a detailed yet accessible picture of the body in conflict with itself. Macrophages, she tells us, are the "blue collar workers" of the body, cells that dispose of dead and injured cells and eat microbes that have made their way past the barrier of the skin—so it's easy to see them as the good guys, "the vanguard of bodily defense," as Ehrenreich puts it. But more recently, scientists have discovered a sinister role played by these cells, at least "from the point of view of the organism": They can serve as "cheerleaders on the side of death," accumulating at the site of cancerous tumors and encouraging their growth.

Macrophages—and the cancers and autoimmune disorders these cells promote—increasingly seem to be not just an error or mutation, but something happening within the natural responses of the body. For Ehrenreich, this opens up a much more philosophical question about the very nature of human autonomy and control: "If cells are alive and can seemingly act in their own interests against other parts of the body or even against the entire organism, then we may need to see ourselves less as smoothly running 'wholes' that can be controlled by conscious human intervention, and more as confederations, or at least temporary alliances, of microscopic creatures." Just as our efforts to control our individual bodies are doomed, Ehrenreich argues, so are our efforts as individuals to uplift ourselves. The interdependence and chaos created by the body also lead to the same conclusions as the interdependence and chaos created by modern life: We can't just go it on our own.

For Ehrenreich, this is demonstrated by the very nature of health. It's only because of the collective medical advances of the past century or so that people living in a postindustrial world can conceive of "wellness" as a natural state and nature as harmonious or wise. Sure, herbal remedies, breastfeeding, and at-home childbirth are "natural," but so are famine, epidemics, and high infant- and maternal-mortality rates. (The first-century philosopher Epictetus instructed parents, "When you kiss your child, say to yourself, it may be dead in the morning.") Today, with good reason, we expect children in postindustrial societies to survive their parents, and we have the dedi-

cation of rigorously trained doctors and devoted scientists to thank for that. But this doesn't mean that nature itself is on our side or that medicine and science will be able to save us. From this recognition, Ehrenreich begins to weave together an ethics rooted in not just accepting but embracing the realization that humans are united in suffering, that we will all experience the ravaging effects of nature and time, and that rather than try to run from that knowledge by controlling our minds and punishing our bodies, we must address it together, as a society.



At a time when American life expectancy is falling because of lack of access to health care—and when the abject failure of private insurers and health-care companies to provide the most basic care to their customers without bankrupting them has made "Medicare for All" a popular rallying cry in one of the most libertarian countries on earth—an indictment of the health-care and wellness industries may seem like a curious undertaking for a self-proclaimed socialist. But Ehrenreich's message is not that we should do away with health care; it is that we should think more critically as a society about how, when, and why we use it. Screenings and lab tests can be lucrative for doctors, but seeing the patient as a chart of numbers can lead to serious mistakes and oversights. Doctors for whom the perfect patient is a silent patient miss out on hearing symptoms—or a lack thereof—that should influence their diagnoses. But it "isn't easy to protest from the lithotomy position," Ehrenreich notes sardonically, referring to the position that women are placed in during childbirth.

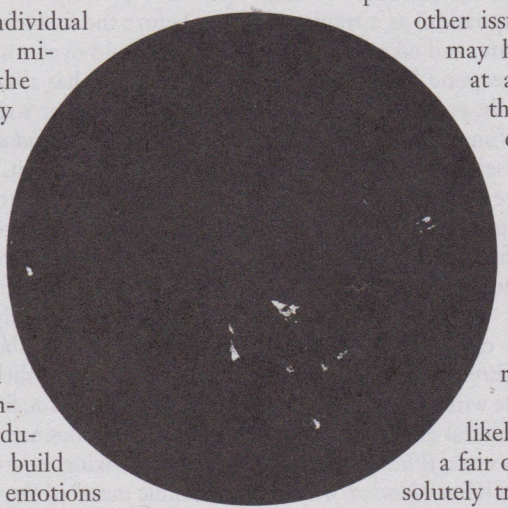
Ehrenreich also insists that viewing health care differently will allow us to see the ways in which the inequalities produced by class, race, and gender are much more central in determining one's health than individual choices and screenings. It is not the specific choices of a poor person that lead to diabetes, cancer, obesity, and so on, but rather those inequalities produced by capitalism. While physician and Rockefeller Foundation president John Knowles may have pronounced in 1977 that most illnesses can be chalked up to a person's bad habits, and thus the "idea of a 'right' to health should be replaced by the idea of an individual moral obligation to preserve one's own health," Ehrenreich wants to remind us that it's almost always not just one's own choices, but also the randomness of nature and the inequalities produced by human societies, that have the power to destroy us.

These days, Knowles's view of health is everywhere. It is a common line of reasoning found in the health-care and related industries, which are eager to "empower" consumers through the use of apps, personal devices to monitor everything from steps to sleep to heart-rate stats, and discounts offered by insurers for annual exams (the utility of which, like preventive screening, is now the subject of scientific scrutiny). But it's a line of reasoning that is also often used to justify opposition to the creation of a national health-care system.

This view of individual accountability has migrated from the health-care industry into the workplace, Ehrenreich argues. Mindfulness, for example, has become a religion in boardrooms—"Buddhism sliced up, commodified, and drained of all reference to the transcendent." Individuals are supposed to build control over their emotions through practice, just as we aim to control our bodies through exercise. Mindfulness promoters draw on the concept of "neuroplasticity" to sell training programs with a thin veneer of science to the business world; but there is no evidence that meditation offers benefits beyond those we get from other forms of relaxation—say, a mandatory five weeks of vacation time a year, as is the case in Scandinavian countries. The problem, again, is not the practice itself, but how it's expected to transform us into "an ever more perfect self-correcting machine capable of setting goals and moving toward them with smooth determination." As Ehrenreich observes, "the word 'enlightenment' never arises in the mindfulness lexicon."

Indeed, for Ehrenreich, mindfulness is as dangerous as the myths found in medicine about the power of individual choice. Just as medicine offers a reassuring illusion that we have more control over our life spans than we actually do, the mindfulness industry actively and insidiously serves to depoliticize the realm of work and other spheres of social life: It tells us that our mental as well as physical health is up to us, and discourages us from seeking collective solutions. What Ehrenreich instead proposes is confronting the chaos of the body, embracing the uncertainty of life and the limits of fitness and medicine, and finding comfort in our collective humanity.

There are some shortcomings to Ehrenreich's argument, however. It's fine for a retired woman who's financially secure and doesn't have any dependents to accept the chaos and uncertainty of nature, but many others still have families to think about and so need to keep on living in order to provide for them. There are also other issues of class: Some may have the resources at a certain point in their lives to embrace death more actively than others—but if you haven't built up savings or inherited some, you really need to live as long as you can if there are others relying on you.



Ehrenreich would likely agree that this is a fair objection, as it's absolutely true, at least in the United States, that capitalism has taken not only retirement but the prospect of a worry-free death from many of us. But she would also respond by noting that part of the problem with this line of reasoning is that it still assumes that, as individuals, we are in the driver's seat, when in fact nature doesn't care about what our families need

from us any more than it cares what we need from it—which has always been the point of creating a social safety net in the first place, from the banding together of hunter-gatherers to the post–World War II nationalization of health care in Europe.

There is also a different kind of criticism of Ehrenreich's argument. It's difficult to agree with her when, writing about gynecological and other annual checkups, she suggests that "one problem, though certainly not the only problem, with these regularly scheduled invasions of privacy is that they do not save lives or reduce the risk of illness." For example, while a 2016 study found that the reduction in breast-cancer-mortality rates was due to treatment rather than screening, the adoption of routine cervical-cancer screening in the US has reduced mortality rates of cervical cancer from the leading cause of cancer death in women to the 14th. One can recognize the inevitable way in which nature works, the lack of individual choice, and the inconsistency of our personal decisions in shaping our own health outcomes, without entirely rejecting preventive screening.

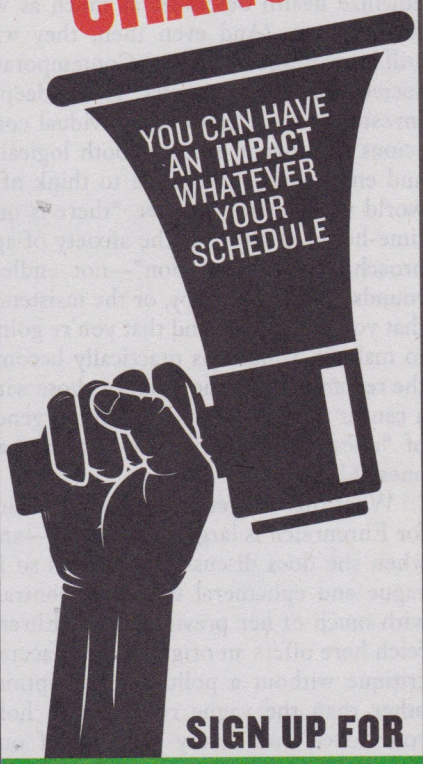
And yet Ehrenreich is ultimately right that we need to know when to let go—or, at least, how to prepare for it. Shortly after I gave birth, I developed a complication and was given a CT scan, which found a tumor on my adrenal gland. I was referred by the ER team for an MRI, and two days later, I opened an attachment to an e-mail from my doctor's office showing the results: The radiologist had concluded that the tumor was likely malignant. I searched "adrenal carcinoma," only to find that the life expectancy for this highly aggressive cancer is about five years. In three weeks, while I waited for the results from the lab work, I lost 30 pounds and woke up many times in the middle of the night to write letters and record videos for my son, so that one day he would know his mother's voice. When I was finally able to get an informed opinion from a specialist, I was told the MRI image was misleading (for complicated reasons I won't get into here) and the test unwarranted in this case, since the original CT scan had strongly suggested that the tumor was benign. The overabundance of caution on the part of the ER doctors led to such anxiety in the first weeks of my child's life that my breast milk dried up. This did not have to happen; it was the product of a medical system rooted in fear, a desire to avoid professional liability—I've been told many times by oncologists that radiologists have to cover themselves—and rapid intervention without consideration for a patient's symptoms or circumstances.

It's better than the alternative, you could say—but is it? Even after the fact, I concluded that I'd rather not have known, and enjoyed the one or two good years left to me, instead of five miserable years of chemo. There's little doctors can do in the case of adrenal cancer—as is the case with many disorders—besides let you know you have it and give you an estimate of how much time you have left. Death is inevitable; the question is how much foreknowledge we really want.

And fear is not the only consequence of overscreening and misdiagnosis. An estimated 70 to 80 percent of thyroid-cancer surgeries performed on US, French, and Italian women (who are far more prone to thyroid tumors) from 2003 to 2007 were later deemed unnecessary, Ehrenreich tells us. All surgery carries with it the risk of death, and thyroid surgery usually makes patients dependent for the rest of their lives on hormone medication, which isn't always effective and can leave them feeling profoundly exhausted.

My own experience with misdiagnosis did lead to a few positive outcomes: an extraordinarily vivid investment in the present—I lived each day to wake up to my son's smile—and the conviction that my child would need to bond not just with me, but with my husband, parents, sisters, and friends (not incidentally, a common strategy in societies with high maternal-mortality rates). More important, it confirmed my commitments to demanding universal child care and health care as a human right, already ignited by an earlier

LOOKING TO FIGHT FOR CHANGE?



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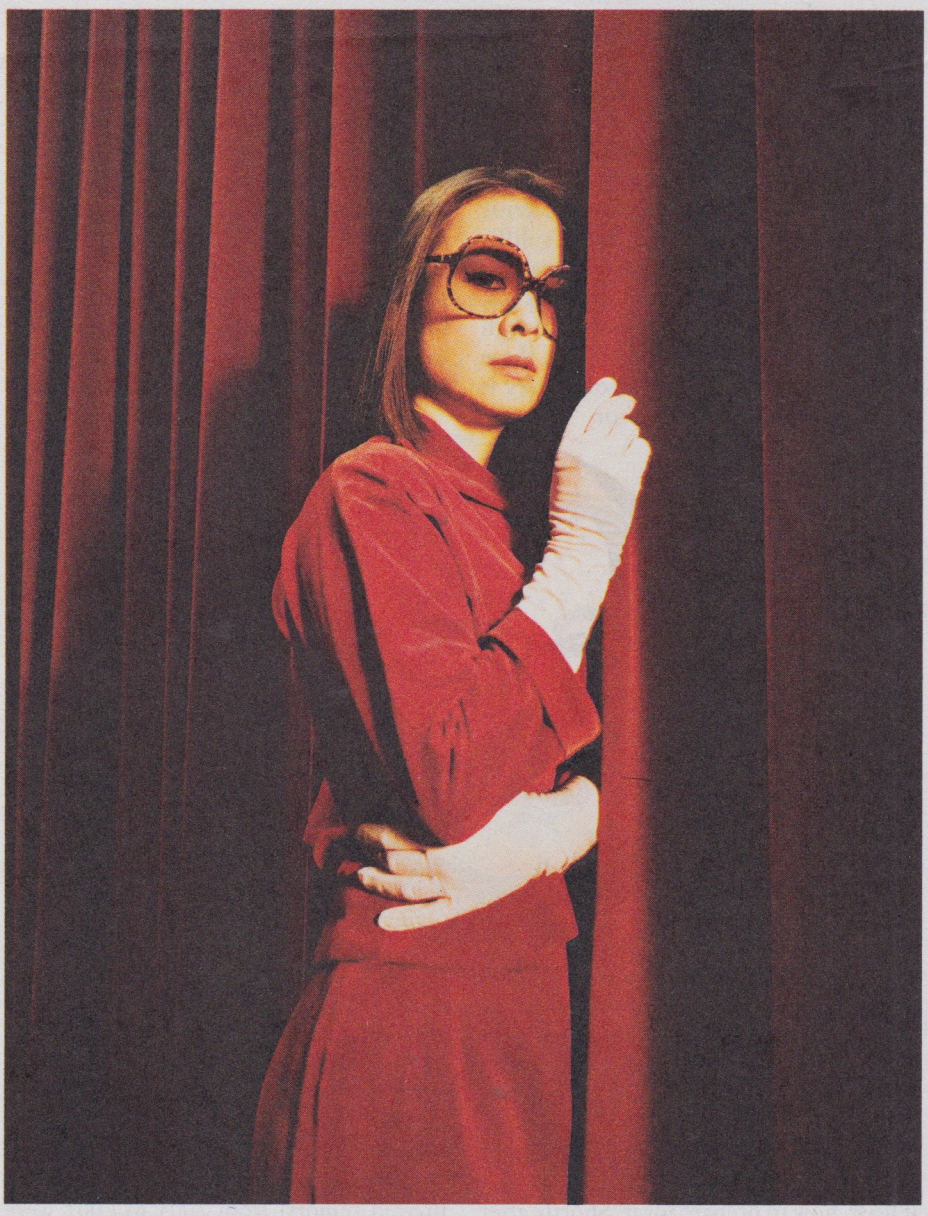
cancer diagnosis. When we are forced to rely only on ourselves and our own private regimes of health and fitness, we are just one malignant tumor or a few cheerleading macrophages away from leaving our families without providers.

And here we arrive at Ehrenreich's final point. Since nature operates randomly and is not often guided by individual choices, we must act together as a society to try to equalize health outcomes as much as we possibly can. (And even then, they will still be grotesquely unfair.) Contemporary society, Ehrenreich writes, is "so deeply invested in the idea of an individual conscious self that it becomes both logically and emotionally impossible to think of a world without it." And yet, "there is one time-honored salve for the anxiety of approaching self-dissolution"—not endless rounds of chemotherapy, or the insistence that you're a fighter and that you're going to make it, which has practically become the recommended etiquette for those with a cancer diagnosis—but the submergence of "oneself into something 'larger than oneself.'"

What this "larger than oneself" means for Ehrenreich is largely left unsaid—and when she does discuss it, she does so in vague and ephemeral terms. In contrast with much of her previous work, Ehrenreich here offers an original, multifaceted critique without a political prescription, other than the vague reminder to hold your loved ones every day. But if one looks back at her earlier work, one can find clues as to the kinds of policies she might suggest.

Natural Causes may be a book that offers little comfort to many. But it is radical. It's now strange, almost quaint, for those of us living as consumers in a capitalist society to be told to accept the fragility of our bodies and place our faith in the power of our collective humanity. Given that most of us are supporting others and will likely have to do so for the rest of our lives, whether it's our children or our parents without Social Security, the need to postpone death is not antisocial; it is a pressure felt by anyone who's not an heiress. But Ehrenreich gives us something else instead, reminding us how important it is to build social "utopian" supports that can mitigate the pain of a dystopian body. In this way, *Natural Causes* is, if nothing else, the culmination (though hopefully not the last book) of a career spent insisting on a common-sense morality that is actually visionary. ■



MILLENNIAL WOE

Mitski's lyrical scream

by SAMANTHA SCHUYLER

One of the many relatable details about Mitski—the Japanese-American singer-songwriter born Mitski Miyawaki, but known among her burgeoning fan base simply by her first name—is her relatively unhindered Twitter presence. Though most 27-year-olds don't boast Mitski's 80,000-plus followers, her dispatches retain the humor of any young person caught in the stupefied daze of social-media addiction. And like her music, Mitski's tweets reveal a casual and disarming vulnerability: "if u have a presentation or meeting or just have to go show ur face in public when u feel like utter unpresentable garbage I suggest u go see my tiny desk video," she writes in one, "where I showed up to NPR to be documented forever looking like a big pulsing void and radiating

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MITSKI (BAO NGO)

pain and I still did it."

That "Tiny Desk" video is worth watching. Perhaps it's her expression—vacant and impatient—or the way her hair is thrown over her shoulder and eye, or how she rocks her body away from the mic to heft her electric guitar to her face and wail into its strings, but she *is* pulsing. And when she looks directly into the camera during her final song and sings, "And you'd say you love me and look in my eyes / But I know, through mine, you're looking in yours," the source of the pain is irrelevant—the performance does, as her tweet suggests, radiate.

"Geyser," the opening track on Mitski's latest album, *Be the Cowboy*, is irradiated with a similar sense of pain, though this time it builds to an eruption, a delirious upsurge that reaches its crescendo in a crashing drumbeat. No longer the quiet sense of shock, but perhaps the next stage of grief: bright, sparkling anger. "I'm attracted to violence, but not even violence towards anything or anyone," she told an interviewer. "That's the thing that's most complicated. It's just this scream, and I don't know what the scream is about—I don't know what it's at, I don't know what it's for, but it's there, and I guess I'm just trying to express it in the best way possible."

Ever since college, rendering acute pain into sound has been Mitski's specialty. Her first two albums, *Lush* (2012) and *Retired From Sad, New Career in Business* (2013), were her junior- and senior-year projects at Purchase College. Using classmates to fill out her band—at one point, she was backed by a 60-person student orchestra—Mitski produced a unique sound: bighearted indie rock that, while bristling as though ready to attack, proved itself able to jump nimbly from rambling, Fiona Apple–style piano confessionals ("Bag of Bones") to cheery, tongue-in-cheek pop ("Strawberry Blond").

Both albums were critically praised, and since then Mitski has released a new one every two years. Life in a hollowed-out middle class is the crucial context to her lyrics, which give the economic anxiety and debilitating debt that millennials are saddled with their emotional due. "It's a windy afternoon / Can't afford to buy my food / Or the drive I need to go / Further than they said I'd go," she sings in "Jobless Monday," a track from her 2014 album *Bury Me at Makeout Creek*. In "Class of 2013," she sings about one humbling millennial hallmark: moving back home. Hoping for mercy, she asks the universe—and her mom—for a break: "Mom, I'm tired / Can I sleep in your house tonight? / ...I'll leave once I figure out / How to pay for my own life too."

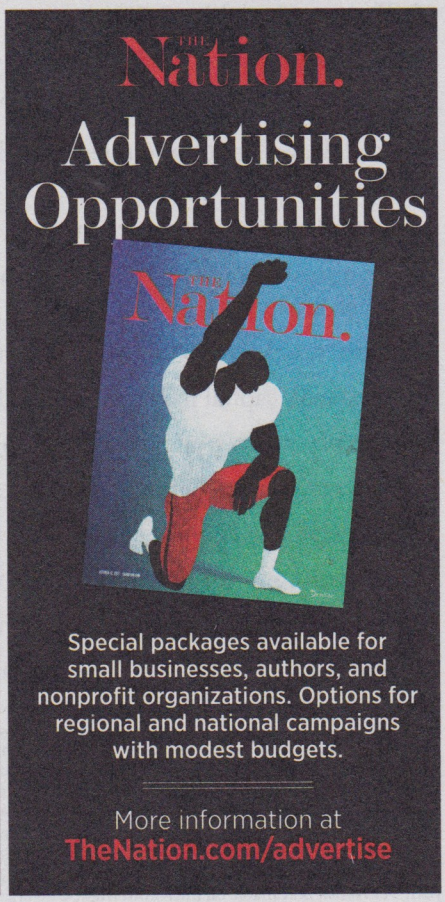
Mitski transmits many of these anxieties in a deceptively upbeat register that can often come across like an anthem: Despite their bleak subject matter, her songs sail skyward in waves of straightforward, urgent guitar and drums. But she doesn't let you shake the feeling that there's a quiet, frustrated scream building: Femininity, and in particular the experience of being a woman, gets searing treatment. "Your mother wouldn't approve of how my mother raised me / ...And you're an all-American boy / I guess I couldn't help trying to be your best American girl," she sings on "Your Best American Girl," from 2016's *Puberty 2*.

These dual features—generational complaint and forthright vulnerability—gather at the center of *Be the Cowboy*, an album that pitches between the cool swagger of John Wayne and the uncertainty of an acutely sensitive 27-year-old woman. "I thought I'd traveled a long way / But I had circled / The same old sin," she sings in "A Horse Named Cold Air." Then, as if to parody her own forlorn image, she gives us "Me and My Husband," a bouncing piano-and-horn jingle that opens with a long sigh—only to find Mitski interrogating her feelings of ambivalence and tenderness in relationships.

As a musician, Mitski draws on a rich and varied inventory of genres, from disco to twangy western hymns to bouncy pop to some of the anger and discontent of punk. They're not all suited to Mitski's bright, fluty voice, but each genre jump is a reminder that she can croon, and trill, and chant, and sometimes yodel—fluctuations that she has employed with haphazard abandon previously, but that, on *Be the Cowboy*, seem more measured and methodical.

Mitski's voice, both lyrically and musically—her wide-ranging ear, her startling juxtapositions of mood and social observation—all work in the service of channeling her loneliness into a force for good. "I just need someone to kiss / Give me one good honest kiss / And I'll be all right," she sings in "Nobody." Desire, in Mitski's imagining, is an all-consuming drive; it burns you up, but it also makes you alive. When she does get the kiss, several songs later in "Pink in the Night," she counters gamely: "I didn't do it right / Can I try again, try again, try again?"

Her music is similarly voracious, able to metabolize as much emotion as possible in under three minutes. But desire, on *Be the Cowboy*, takes on a different tenor. In her earlier work, it's the feeling itself that she chases, every bit as much as its satisfaction: "Tell me 'don't' / So I can crawl back in," she sings in "First Love/Late Spring," from *Bury Me at Makeout Creek*. But on *Be the Cowboy*, Mitski also asks what happens when we want too much—when desire is all we have. "Venus, planet of love, was destroyed by global warming," she sings in "Nobody." "Did its people want too much, too? Did its people want too much?" ■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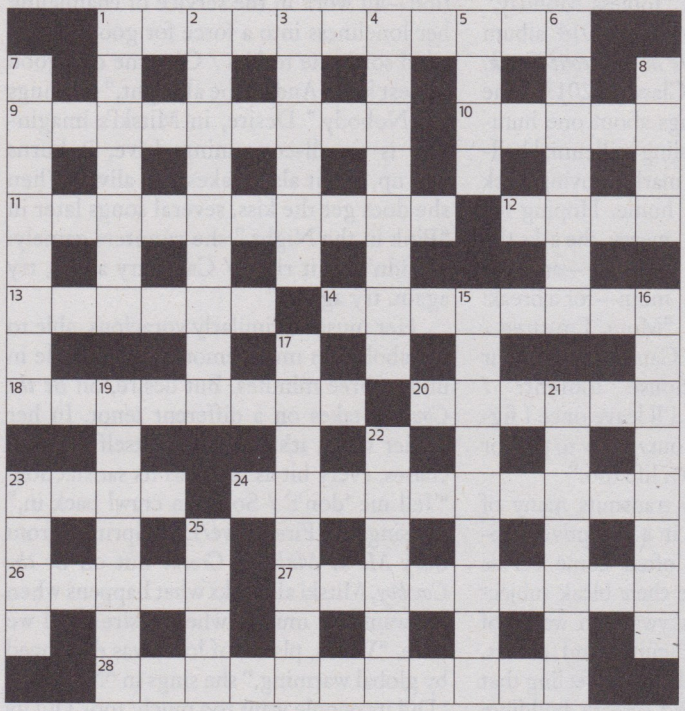

ACROSS

1 They promote 28 nuts (11)

9 Wild beast takes LSD the wrong way and steps down (9)

10 Storage site to get rid of marijuana? (5)

11 Small leaves annoy and repel Mr. Flynn (an old-time movie star) (5,5)

12 Critical mass requires serenity (4)

13 Oranges, enclosed by bruised rind and protected from the elements (6)

14 "Tito, drunk, walks into a bar…"—that'll slay 'em (8)

18 Thailand's capital has trendy administrative district (8)

20 Stop playing in winter outerwear (6)

23 Western singer is enthusiastic (4)

24 Grasp tangled hempen cord (10)

26 Eliminate hint of prurient desire (5)

27 Our group getting back in sack with a prostitute (9)

28 Where managers are 1A, after putting things in order (7,4)

DOWN

1 Essentially, Paul quit taking Introduction to Toxicology and went to class without receiving credit (7)

2 Mean to acquire a bit of rationality through someone else's experience (9)

3 Update equipment when thief returns (6)

4 Josh interrupts since failing to write (8)

5 Aims to dispatch top to bottom (4)

6 Renée Fleming, for one, hurried inside to absorb love (7)

7 Tina's makeup (3,5)

8 Bad time for a romantic couple (4)

15 Hardwood veneer stripped from something that stings and something that whistles (9)

16 Local torn about viewpoint (8)

17 Ex-wife in disreputable tavern hiding broken core (8)

19 Outspoken command made a continuous noise (7)

21 Legislature gripped by weakness eternally (7)

22 Proclaims "toss-up" is doubtful (6)

23 For the most part, sound of a fall when climbing mountains (4)

25 Some knights joust expertly, despite intermittently using their heads (4)

SOLUTION TO PUZZLE NO. 3475

ACROSS **1** BOOT + H **4** FL + ETCHER **10** LE(G + END)ARY **11** B(ERR)Y **12** [m]ORAL **13** S + HIP **14** FI[d]EL-D **16** K(IDD)O (*did* anag.) **17** OP + PO + SITE **19** S + CREAMER **21** [s]-EWER-S **25** BAT(E)S (*stab* rev.) **26** final letters **27** P + AGE **29** SWAN + K **31** anag. **32** REST + Y(L)ES **33** O + SCAR

DOWN **1** BULL + O(C)K **2** ONG(U)ARD (*dragon* anag.) **3** HUN + T **5** LAY(U)P (*play* anag., &lit.) **6** & **30** TA(B)KE + Y **7** HARVE[y] + ST **8** RI(Y)AD + H (*raid* anag.) **9** B([o]ATH + R)OOM **14** rev. hidden **15** RO + GE + RS (rev.) **18** P + ERO(XI)DE **20** C + U(TLAS)S (*salt* rev.) **22** letter bank **23** SHE + ARER (anag.) **24** A(BUS)ER (*eru* anag.) **26** anag. **28** C(AM)O

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